

# **THE POLLARD REVIEW: REPORT**

**DATED 18 DECEMBER 2012**

**ReedSmith**

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## **PART ONE – INTRODUCTION**

1. In this part, I provide background information on the Review, set out the approach which I have adopted and detail the various steps that I have taken to produce my Report. I also explain how my Report is structured and set out, in Chapter 2, certain preliminary and background matters. In part 2, I set out a summary of my key findings and recommendations. Particular detailed sections of my report are at parts 3 – 6.

### **CHAPTER 1 – THE REVIEW PROCESS**

#### **My Terms of Reference**

2. On 16 October 2012, I accepted the role of Chair of an independent Review commissioned by the BBC into the management by the BBC of a Newsnight investigation relating to allegations of sexual abuse of children by Jimmy Savile. The Terms of Reference for my Review were set out on 16 October 2012 and were clarified on 1 November 2012. A copy of those Terms (as clarified) is at Appendix 1.

#### **My Approach**

3. The Review has been completed in nine weeks. The process has been challenging. The Review has received a large number of written statements and answers to written questions and has received, and considered, over 10,000 documents. Documents have been received by the Review from the BBC as recently as 16 December 2012, the day before this Report.
4. Immediately upon my acceptance of the role of Chair, I instructed Reed Smith LLP to advise me as solicitors and secretariat to my Review. It quickly became clear to me that the challenging timetable, the extent of documentation to be considered and the seriousness of the issues raised by the Review meant that I should instruct a barrister team, in particular to assist during the interview process. Finally, a significant amount of press interest meant that I needed

assistance in dealing with media enquiries and I instructed a PR agency to assist me.

5. I have at all times been aware that the costs of my Review are being met by the BBC and there has been close co-ordination on costs between Reed Smith and the BBC Legal Department.

## **Documentation**

6. I summarise in this section the process by which documentation was obtained for the Review. As I say above, the Review has received over 10,000 documents.
7. The first step taken by the Review team was to understand the BBC's organisational structure, reporting lines and its editorial policies, and to collect and consider press articles concerning the subject matter of the Review, of which there were very many. Files of emails already provided to the BBC's Legal Department by some of the main witnesses were sent to Reed Smith towards the end of October and these were reviewed and analysed.

## **Document Returns**

8. From those documents, a list of individuals identified as potentially relevant to the issues being investigated was put together. That list of recipients was kept under review and names were added to it as the Review progressed. Each identified individual was sent a 'Document Return' letter in which they were requested to undertake thorough searches of all documents (whether in hard copy or electronic format) which contained information relating to the matters within my Terms of Reference, and to confirm that those searches had been carried out.<sup>1</sup> Recipients of Document Returns were also asked to identify any

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<sup>1</sup> Document Return requests were sent to Sara Beck, Helen Boaden, Neil Breakwell, Don Cameron, Jessica Cecil, Danny Cohen, Helen Deller, Phil Dolling, Clive Edwards, George Entwistle, Paddy Feeny, Liz Gibbons, Tom Giles, Janice Hadlow, James Hardy, Stephanie Harris, Caroline Hawley, Peter Horrocks, Meirion Jones, David Jordan, Roger Law, Mark Linsey, Liz MacKean, Ken MacQuarrie, Jo Mathys, Stephen Mitchell, Roger Mosey, Paul Mylrea, Lord Patten, Julian Payne, Jeremy Paxman, Peter Rippon, Karen Rosine, Emma Swain, Mark Thompson, Helen Weaver and Jan Younghusband.

documents which they did have but could no longer locate. All individuals who were sent Document Returns completed them.

9. The two alternative versions of the Document Return are attached at Appendix 2. Version 1 was sent where I considered electronic searching (which I address in the next section) to be necessary in respect of that individual because of an individual's importance or potential importance to my Review (or in a few instances the relevant person was no longer working at the BBC, in which case electronic searches were necessary given that they no longer had access to BBC systems). Version 2 was sent where electronic searches were not considered necessary at the outset (but in some cases they were later carried out as appropriate).
10. Documents located as a result of the searches certified in Document Returns were provided to the BBC's Legal Department, so that redactions could be made on two bases: (i) legal professional privilege and (ii) human rights grounds (for example, the need to protect journalistic sources). Once reviewed by the BBC's Legal Department for those purposes, the documents were provided to Reed Smith, with redactions having been made.
11. The BBC Executive's solicitors, Field Fisher Waterhouse, have provided written certification that each of the files of documents provided to us by the BBC which contain redactions have been reviewed by them and that all redactions been made appropriately on one of the two bases set out above.<sup>2</sup>
12. The documents were collated into chronological bundles by Reed Smith (with duplicates removed), and these bundles, which amounted by the end of the process to 18 lever arch files, were used and referred to at the witness interviews.

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<sup>2</sup> Documents produced by Lord Patten were reviewed by the BBC Trust's lawyer with redactions made on the grounds of legal professional privilege, and provided to Reed Smith by the Trust directly. The appropriateness of claims to privilege in documents relating to Panorama on 22 October 2012 produced by Tom Giles were certified by an external barrister.

## Archive Searching

13. So as to verify the completeness of the documentary collection process outlined above, the BBC agreed to undertake electronic searches across a number of individual email accounts (selected by Reed Smith) for the period from 29 October 2011 (the date Savile died) to 30 October 2012, using keyword searches against those emails accounts.<sup>3</sup>
14. This was a substantial, time consuming and (I understand) costly process, involving the restoration of archived email accounts and back-up tapes. This was managed by a third party IT services provider engaged by the BBC. It was, however, a process which was clearly necessary.
15. The output from those keyword searches amounted to approximately 30,000 documents, which were reviewed by Field Fisher Waterhouse and the BBC for relevance and material requiring redaction for privilege or human rights issues. Approximately 10,000 relevant documents were passed to Reed Smith to review as a result of that process (and additional pertinent documents were inserted into the chronological interview bundles). Again, Field Fisher Waterhouse has certified that all of the redactions made to those documents have been made appropriately on one of the two bases set out above.
16. Reed Smith chose and then checked a 10% sample of those documents not provided to the Review because they were considered by the BBC and Field Fisher to be irrelevant. There were no examples found of documents wrongly categorised as irrelevant.
17. I should also mention that the BBC accommodated requests made for sight of legally privileged material which I considered may have been relevant for the purposes of understanding the underlying facts. I wanted to check whether I was missing some of the story by not seeing privileged material. Some documents were as a result released by the BBC to me on the basis that they

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<sup>3</sup> The individuals selected were Helen Boaden, Helen Deller, George Entwistle, Meirion Jones, David Jordan, Mark Linsey, Liz MacKean, Stephen Mitchell, Peter Rippon, Mark Thompson, Danny Cohen, Phil Dolling, Liz Gibbons, Janice Hadlow, Hannah Livingston, Kate Mordaunt, Shaminder Nahal, Emma Swain, Nick Vaughan-Barratt and Jan Younghusband.

remained privileged and confidential and that their release was made only to a limited number of recipients within the Review team for the limited purpose of checking whether I was missing documentary material important to my terms of reference.

## Statements

18. Reed Smith sent letters to 32 potential interviewees, putting those interviewees on notice of a potential request for interview and asking each potential interviewee to provide a timeline of their involvement in relevant events. An example of the letter is at Appendix 3. As a consequence of this letter, the Review received 21 timelines and/or witness statements.<sup>4</sup> The Review received a small number of unsolicited statements from other individuals.<sup>5</sup> A number of statements are included in Appendix 11.

## Interviews

19. Nineteen individuals were called for interview over a six week period. In advance of each interview, the interviewee was asked to provide an agreement concerning, among other things, confirmation that any information provided to the interviewee at or in advance of the interview, and any matter discussed at the interview, were confidential. While the various agreements were not precisely the same, all had the same effect and an example of an agreement is at Appendix 4. Every interviewee agreed to keep the agreement confidential and not to disclose any documents, but agreed that I was able to make such use of the interview as I saw fit.
20. Interviewees (and/or their lawyers) were also provided with documents in advance of their interview. These included documents which it was anticipated

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<sup>4</sup> These were received from Sara Beck; Helen Boaden; Don Cameron; Danny Cohen; Helen Deller; Phil Dolling; Clive Edwards; George Entwistle; Paddy Feeny; Liz Gibbons; Tom Giles; Stephanie Harris; Caroline Hawley; Meirion Jones; Mark Linsey; Liz MacKean; Stephen Mitchell; Paul Mylrea; Peter Rippon; Emma Swain; Helen Weaver and Jan Younghusband.

<sup>5</sup> Karen O'Connor, David Street, Michael Crick, Rodger Deyn, Bernard Murphy and Chris Jezewski. *(A further statement was received by an individual who specifically requested that this fact be kept confidential. As this statement has not formed any part of the Review's deliberations, it is not mentioned here)*

may be referred to at their interview, although this was subject to the understanding that other documents may be referred to, and that interviewees would, should they wish, be afforded an opportunity to break from the interview session to consider those before answering questions about them.

21. The interviews were transcribed and a copy of the transcript was provided promptly to each interviewee for the purpose of correcting typographical errors. The interviews took place at the offices of Reed Smith and the questioning was led by Alan Maclean QC. Procedural issues were dealt with by Mr Spafford and I also asked a number of questions at each interview. A number of the interviews were lengthy (and three interviewees were asked to return for further interviews, which they did) and I am very grateful to each interviewee for their time and co-operation.

### **Written Questions**

22. The Review also posed a number of written questions to witnesses. Some of these questions were posed following interviews and others were posed to individuals whose involvement justified questioning but not a full interview.<sup>6</sup> In each case, answers were provided. The BBC was also questioned in relation to the existence of policies regarding the operation of the MRPL.

### **The Preparation of the Report**

23. Interviews finished on 11 December 2012. Letters of Potential Criticism were sent to relevant interviewees. Following receipt of responses to these letters, I reconsidered my preliminary findings in light of the comments made, and finalised this report.

### **Acknowledgments**

24. The organisation and running of the Review process within the short time available, including obtaining and processing the significant volume of material referred to above, has been a considerable undertaking. I am grateful for the

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<sup>6</sup> These individuals were Ms Beck, Mr Hardy, Mr Mylrea, Mr Payne and Lord Patten.



hard work of all who have contributed. In particular, I would like to thank the counsel team of Alan Maclean QC, Richard Blakeley, Malcolm Birdling and Miranda Hill; the team at Kreab Gavin Anderson, led by Richard Constant and James Benjamin; the transcript writers (two of whom were present on each day of interviews), Isabel Patterson, Ciaran Morriss, Liz Swetman, Fiona Mitchie, Annette Orzel, Georgina Vaughan, Laura Evans and Lawrence Pearce, and the team at Reed Smith, in particular Richard Spafford, Ben Summerfield, Hyun-Jung Kim, Cristin MacCann, Julia Fagelman and Annabel Cheng.

## **CHAPTER 2 – THE REPORT**

### **The Approach**

25. The report is divided into six parts. This first part provides an explanation of my methodology, along with background information relevant to the matters covered by this Review. This background information does not set out to be an exhaustive summary of the matters covered, but is provided in order to assist understanding of the matters covered in depth later in the Report.

26. The remaining parts of the report are as follows:

**Part Two:** This part contains a summary of my findings as well as my conclusions and recommendations.

**Part Three:** This part examines the Newsnight investigation and the decision to discontinue it.

**Part Four:** This part examines the BBC's response to Savile's death, including the commissioning of tribute programmes.

**Part Five:** This part examines the BBC's response to questioning about the decision not to proceed with the Newsnight investigation in the period from December 2011 to September 2012.

**Part Six:** This part examines the BBC's response to questions surrounding the dropped Newsnight investigation in October 2012 and, in particular, matters relating to Peter Rippon's post on the BBC Editors' Blog.

## **Appendices**

27. The Report has a number of appendices. The first 9 appendices support the background to the Report. The remaining appendices contain relevant statements, transcript extracts and the evidence which I consider to be relevant to my findings.
28. The documents are arranged chronologically. Each has two numbers – the number at the centre of the foot of each page has been produced for the purposes of the Report. Where reference is made within this Report to a document in the appendix, it can be found by reference to this number. The number on the bottom right hand corner is the number used during the course of witness interviews, and where a document is referred to in interview transcripts, it may be found by reference to this number.
29. Names of potential or actual victims of Savile have been redacted from the Report and its appendices. Each individual has a code beginning with the letter 'R' standing for Resident. There are 35 such individuals with codes from R1 to R35.

## **Timeline**

30. A short timeline of relevant events is at Appendix 5. This does not constitute every event, but sets out the main milestones and the dates of particular relevant communications.

## **List of Relevant Individuals**

31. A list of main relevant individuals is at Appendix 6. This provides an indication of the roles played by the key individuals named in the Report. I should note that the Report refers to the possibility that offences were committed by

individuals other than Savile. These may be the subject of police investigation and I should make it clear that I do not mean to suggest that any such offences were actually committed.

### **The Structure of the BBC**

32. An understanding of the overall structure of the BBC is necessary for consideration of the matters under review. As such, it is helpful to briefly summarise the key features of this structure, which I do below. I emphasise that this is provided by way of background, and is not intended to be exhaustive. Much of what I say here is drawn directly from publically available information produced by the BBC.

### **The BBC Trust**

33. The BBC is run and governed by the BBC Trust and the BBC Executive Board, the composition and functions of which were established by the BBC's Royal Charter.
34. The Trust is the sovereign body within the BBC and is the guardian of the licence fee revenue. The main roles and duties of the Trust include:
- (a) setting the overall strategic direction of the BBC including its priorities;
  - (b) ensuring that the independence of the BBC is maintained;
  - (c) ensuring that the BBC observes high standards of openness and transparency;
  - (d) assessing the performance of the Executive Board in delivering the BBC's services and activities, and holding the Executive Board to account for its performance;
  - (e) where appropriate, conducting investigations into any activity of the BBC which it has grounds to suspect does not comply with requirements supervised by the Trust;

- (f) commissioning value for money investigations into specific areas of BBC activity.

35. The BBC Trust is currently chaired by Lord Patten of Barnes.

### **The BBC Executive Board**

36. The BBC Executive Board is the executive body of the BBC and is responsible for managing the BBC and its day-to-day operations across the organisation, although certain of its functions are delegated to sub-committees of the Board. Amongst other matters, the Executive Board has responsibility for:

- (a) delivering the BBC's services in accordance with the priorities set by the Trust and for all aspects of operational management;
- (b) the direction of the BBC's editorial and creative output;
- (c) the operational management of the BBC;
- (d) ensuring compliance with all legal and regulatory requirements placed upon the BBC except to the extent that they relate to the affairs of the Trust or the BBC Trust Unit; and
- (e) accounting to the Trust for its own performance and the performance of the BBC and its subsidiaries.

37. The Board is made up of executive directors from within the BBC and five non-executive directors from outside the BBC, and is chaired by the Director General. The Board is supported by a number of management groups, including the BBC Direction Group, the Finance Committee, and boards at the Group level, such as Vision and Audio & Music. The boards of BBC Commercial Holdings and BBC Worldwide support the Executive Board on commercial matters.

38. The Royal Charter provides that the Director General is the chief executive officer of the BBC; he or she is also its editor-in-chief and is therefore

accountable for the BBC's editorial and creative output. The Director General is appointed by the BBC Trust. The other Board members are appointed by a Nominations Committee and Executive Board, with non-executive appointments requiring approval by the BBC Trust.

### **BBC Operational Areas, Editorial Policy and Communications**

39. The principal operational areas which manage the day to day working of the BBC include the Director-General's Office and BBC Direction Group, Audio and Music, BBC North, Finance and Business, Future Media, News Group, Operations and Vision (i.e. television). The BBC also has three commercial subsidiaries, BBC Worldwide, BBC Studios and Post Production and BBC World News.
40. The relationships between these operational areas are summarised in the following diagram, which appears on the BBC's website:



41. I should also mention the role of Editorial Policy (or 'EdPol' as it was often referred to by those who gave evidence to this Review). This sits separate from the operational divisions and does not form, for example, part of Vision or News. It is headed by David Jordan. In this role, Mr Jordan is responsible for the development and implementation of the BBC's editorial policy and

standards. He produces the BBC's editorial guidelines and provides advice to BBC programme-makers and journalists across all BBC services on how to produce content which complies with those guidelines. Mr Jordan is a member of the BBC Direction Group and the News Group Board.

42. Finally, I should note that the BBC has a Communications division which is divided into a number of teams (sometimes called 'press teams') which mirror the divisional structure of the BBC. There are therefore separate teams for, for example, News, Vision, and Audio and Music dealing with issues arising in those areas as well as with questions raised in relation to the output from those areas. There is in addition a Corporate Press Office which handles issues relating to the BBC an institution, working with the other Communications teams as necessary.

### **Structure of BBC News and relevant reporting lines**

43. In addition to the overall structure of the BBC, it is also helpful to provide some background as to the structure of the BBC News Group, and the relevant reporting lines within this group.
44. The head of the News Group is the Director of News. Throughout the period considered by this Review, this was Helen Boaden.
45. Viewed across the BBC, the Director of News is on the same managerial level as the heads of other departments. Thus in November 2011, Ms Boaden was on the same 'level' as Mr Entwistle who was at that time Head of Vision. There is no reporting line between the Director of News and the Director of Vision. Ms Boaden's reporting line was vertical – to the Director General. The Director General's own reporting line is to the BBC Trust and its Chairman Lord Patten.
46. Beneath the Director of News sits a Deputy Director of News. Throughout the period considered by this Review, this was Stephen Mitchell. Mr Mitchell is also Head of News Programmes. As Deputy Director of News, Mr Mitchell reports to Ms Boaden and is, in that role, involved in dealing with a range of strategic issues affecting the whole of BBC News. As Head of News

Programmes, he is responsible for a wide range of national radio and television news and current affairs programmes, including Newsnight and Panorama.

47. Beneath Mr Mitchell sit the editors of the news programmes. Thus Mr Mitchell is the line manager of Peter Rippon, the editor of Newsnight (who stepped aside from his post in October 2012). There was thus a direct reporting line from Mr Rippon to Mr Mitchell (and then in turn from Mr Mitchell to Ms Boaden).
48. Beneath the editors are their deputy editors. Mr Rippon's deputies in late 2011 were Liz Gibbons and Shaminder Nahal. They reported to Mr Rippon, whose own reporting line went to Mr Mitchell (and so on) as set out above.
49. Beneath the deputy editors are the programme presenters, reporters, and journalists, such as Jeremy Paxman, Meirion Jones and Liz MacKean.
50. I should mention briefly at this juncture that each investigation by Newsnight has an assigned Executive Producer. The role of the Executive Producer involves, Mr Rippon told me, having responsibility for the editorial content of investigations,<sup>7</sup> although the overall responsibility for the piece would remain with the Editor, who would still need to know what the Executive Producer was doing, and why.<sup>8</sup>

### **The Managed Risk Programmes List**

51. The BBC's Managed Risk Programmes List ("**MRPL**"), sometimes incorrectly referred to within the BBC as the 'MPRL' or 'Managed Programme Risk List' is an important element in this Report. Because of this, I explain the background to it and its importance in this chapter. The discussion of the MRPL later in this Report should be read by reference to what I say below.
52. The MRPL is a mechanism by which stories or projects in any part of the Corporation that might carry some element of risk - be they physical, legal or reputational - are flagged up to management, if necessary right to the top. In short, the purpose of the MRPL is to ensure that other parts of the BBC know

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<sup>7</sup> Exhibit A – transcript of interview with Peter Rippon (1), page 24, lines 19-20  
<sup>8</sup> Exhibit B - transcript of interview with Peter Rippon (1), page 26

what one part of the BBC is doing in circumstances where what that part is doing carries risk (whether for the BBC or for any other body). This is desirable in such a large organisation with such broad areas of operation.

53. The MRPL is a relatively recent addition to the BBC's tools for editorial management. It was introduced in the post-Hutton era to ensure that knowledge of controversial or potentially risky programme content could be shared efficiently and promptly across all areas of the BBC at an appropriate managerial level. This is so as to avoid, it could be said, sudden unpleasant surprises.

54. I have seen an example of the full list which went to the BBC's Editorial Standards Board ('**ESB**') for the purposes of a meeting on 8 December 2011. On the face of the MRPL its purpose is described as follows:<sup>9</sup>

*'The Managed Risk Programme List identifies programmes to be transmitted in the coming three months which have potential risks and also those whose production may be sensitive during the whole of the production process up to transmission. The programmes identified are now discussed at Divisional Boards before they are forwarded to the ESB'.*

55. It is thus apparent on the face of the list (at the ESB stage at least) that it is not concerned solely with programmes which are to be broadcast imminently. It applies at least to those which are to be broadcast within the next three months. Indeed, many programmes on the list are listed with a transmission date of 'TBC'.

56. The full list specifies the title, working title or 'code title' of each programme; gives a synopsis of that programme; specifies the risk meriting inclusion in the list; the transmission date or slot; states the production division (or independent company as the case may be) and then specifies the executive producer.

57. Examples of risk categories (taken from MRPL listings which I was provided with) include: 'Legal issues'; 'High Profile'; 'Safety'; 'Political Sensitivity'; 'Reputational and Legal Risks'; 'Libel'; 'Political Controversy'; 'Adverse publicity for the BBC'; and 'Cultural Sensitivities'.

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<sup>9</sup> Exhibit C



58. It is plain that, relevantly for the purposes of this Review, reputational risk to the BBC is a risk factor that is sufficient to require the inclusion of a programme on the MRPL.
59. This is also evident from the BBC's Business and Production guide for Independent Producers.<sup>10</sup> The description of the MRPL here is helpful. It states:

*'BBC Vision maintains a "Managed Risk Programme List". You will know that your programme has been put on this List either because this will be specified in your Commissioning Specification, or because your commissioning executive will have informed you. The Managed Risk Programme List operates as an early warning system to highlight programmes with specific editorial risks, intrinsic or reputational risks (rather than regular concerns around Health and Safety, competitions, voting or awards which are managed through different procedures).*

***Intrinsic risk*** - for example, a programme where there's a legal issue or very difficult Editorial Policy decisions. A factual programme involving secret filming would certainly qualify under this definition, or a factual drama in which a living person is being portrayed in a way they might object to.

***Reputational risk*** - this would be any programme which, although not ostensibly about a difficult topic, could damage the reputation of the BBC. Not intrinsically risky, but still a programme that could attract a lot of press or public attention. ...'

60. The MRPL was considered by Will Wyatt CBE in his report to the BBC in respect of the broadcast of a trailer for the programme *A Year With the Queen*. The precise circumstances in which this investigation arose are not relevant to my Review. His description of the MRPL and his recommendations are however very relevant. At page 7 of his report, Mr Wyatt stated as follows:

*'The BBC has a [MRPL] that is monitored at senior editorial meetings in the BBC. This list is mainly to track programmes that have identifiable editorial dangers such as undercover filming, possible defamation or issues of taste. However, it is also intended to cover reputational risk to the BBC. Had this series been on the list it is possible extra questions might have been asked about its progress and editorial oversight'.*

61. It is notable that Mr Wyatt referred to reputational risk to the BBC. He went on to recommend at pages 20-21, under the heading 'Editorial Oversight', as follows:

*'At the point of commissioning independent and in-house productions alike the commissioning executive concerned should decide whether the programme carries*

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<sup>10</sup> <http://www.bbc.co.uk/commissioning/tv/production/business-and-production-guide.shtml>

*sufficient editorial or reputational risk to go on the [MRPL]. Inclusion on it should mean that the programme effectively carries a “handle with care” notice, not so that BBC staff tread softly but to ensure that through all editorial, promotional or commercial activities staff are aware of the possible risks attached to that programme and act accordingly.*

*This list should be more actively managed in the divisions’.*

62. As I will explain in more detail below, it is most unfortunate that, in this case, the Savile story was not treated consistently with Mr Wyatt’s recommendation. I repeat and endorse Mr Wyatt’s conclusion as just set out.

63. The BBC accepted Mr Wyatt’s recommendation concerning the MRPL. In its *“Independent Evaluation of the BBC’s Action Plan - Editorial Controls and Compliance January to March 2008”*, at page 5, the BBC Trust summarised its response as regards the MRPL as follows:

*‘The establishment of the Editorial Standards and Compliance Forum and the higher profile given to the Managed Risk Programme List right across the BBC are both welcome initiatives to help ensure that the ESB can take a clear leadership role across both policy and operational editorial issues’.*

64. It summarised (at page 12) the action to be taken as follows (the final two bullet points are particularly relevant to this Report):

- The BBC system for the MRPL is in the process of being overhauled and is to become a more actively managed tool.*
- It is now reviewed as a standing item at the Editorial Standards Board rather than the Journalism Board, to emphasise the fact that it is relevant to all parts of the BBC.*
- Programmes on the MRPL are flagged up for special attention throughout their production life, including any promotional activity.*
- Reputational risk to the BBC has been promoted much higher up the agenda’.*

65. The Trust expanded on this at pages 14-15, emphasising the important role of the MRPL as a *“production management tool”* across the BBC as a whole and the need to pro-actively manage the list and make sure that appropriate programmes were included on it:

- Hitherto the MRPL has been perceived by some as more of a mechanism for Editorial Policy rather than also being an important production management tool.*
- Given that executive producers are the group who are most involved in managing the detail of a programme on the Risk List it should be noted that*

*some of those we spoke to were vague about how their programmes were put on the list and by whom, and what difference it made when they were.*

- We accept that this sample may well have been atypical. Other executives clearly did know when their programmes were listed and discussed the risk issues with their line managers.*
- However it underlines the importance of all executive producers, from whatever genre, understanding the “red flagging” nature of the MRPL, as they are at the heart of managing the mitigation of risk in a programme or output for which they are responsible.*
- The Risk List is just that - a list. It has no value unless its purpose and role as a “red flagging” mechanism is universally appreciated and it is used as an active dynamic tool for monitoring and the mitigation of risk on a continuing basis throughout the project.*
- We were particularly struck by the detailed proposals for the supervising and daily management of the MRPL by the new Head of Editorial Standards and Training in Vision’.*

66. In order to function effectively, the MRPL depends on those with knowledge of the detail of pending programmes to put those on the list. In News, this means that everyone from reporters upwards must be alert to the potential risk factors that may be inherent in any story or investigation that is in progress. Suitable stories should be identified to editors or deputy editors at the earliest opportunity and included in the list with a suitable description in order that other parts of the BBC are aware of them and can take any appropriate steps.

67. The Review was told that in News the preparation of the MRPL involves a four-stage process and that in the case of Newsnight it would work as follows:

- Newsnight’s senior journalists (in November 2011 they were the Editor, Mr Rippon and his deputies, Ms Gibbons and Ms Nahal) would decide which current or potential stories should be put on the MRPL for Newsnight. In the period between November and December 2011, there were anything between five and twelve stories at any one time.
- That list of relevant Newsnight stories would be sent to Sara Beck, in the office of Mr Mitchell. She would receive similar lists from other programmes, for example Panorama and the Radio 4 ‘Today’ programme.
- A combined News Programmes list would then be sent to the office of the Director of News (Ms Boaden), where it would be combined (by Emma Wilson, the News Group business manager or Stephanie Harris, the Head

of News Complaints) with other News Division lists to give a pan-News MRPL.

- (d) Finally the pan-News MRPL would be sent to the office of the Director of Editorial Policy, David Jordan, to be combined with similar lists from other non-News departments such as light entertainment, comedy and sport to produce a BBC-wide MRPL that identified potential risks from across the whole of the BBC.

- 68. The BBC-wide MRPL would then be considered by the ESB.
- 69. At each level the list would be circulated to appropriate managers. For instance at Level 3 the pan-News list would be circulated to members of the News Group Board which would include in this case Ms Boaden and Mr Mitchell but not Mr Rippon.
- 70. Given the relevance of the MRPL to the issues the Review was asked to consider, by a letter of 10 December 2012, the Review asked the BBC whether it had internal written guidelines setting out the criteria to be applied to a decision whether a potential news programme (including a report within a news programme) should be included in the Managed Risk Programmes List. On 12 December a reply was received. The reply stated:<sup>11</sup>

*'The BBC does not currently have in use across the BBC written guidelines which set out the criteria to be applied to a decision whether a potential news programme (including a report within a news programme) should be included in the Managed Programme Risk List [sic], although issues surrounding the inclusion of material on the list are addressed amongst compliance managers and the Heads of Editorial Standards for each of the BBC's output divisions at the monthly Editorial Standards and Compliance Forum which is chaired by David Jordan, the Director of Editorial Policy and Standards. We are informed that News does not hold any local or pan-BBC written guidelines'.*

- 71. In light of the events I discuss in subsequent chapters, it is regrettable that such guidelines do not exist. This is surprising given the clear recommendation in the Wyatt Report, which the BBC purported to adopt.

## **Editorial Guidelines**

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<sup>11</sup> Exhibit D

72. The BBC's Editorial Guidelines are relevant to the subject matter under review, and I make reference to them where appropriate. It is therefore helpful to give the Guidelines some brief consideration, alongside the framework against which they operate - in particular the BBC's Royal Charter and Framework Agreement.
73. The BBC's Royal Charter provides that the BBC is to serve the public interest, and that its main object is the promotion of its public purposes, which include sustaining citizenship and civil society.<sup>12</sup> The Charter guarantees the editorial independence of the BBC, and provides for the creation of a 'Framework Agreement' between the BBC and the Secretary of State,<sup>13</sup> which the BBC must comply with for as long as it remains in force.<sup>14</sup> The current Framework Agreement was laid before Parliament in July 2006,<sup>15</sup> and includes an obligation to ensure accuracy and impartiality in respect of all controversial subjects.<sup>16</sup>
74. The BBC's Editorial Guidelines are created by the BBC itself. The Guidelines state that *'Knowledge of the Guidelines is an essential professional skill, and everyone who makes the BBC's content is contractually required to familiarise themselves with them and work within them'*.<sup>17</sup>
75. A number of the Guidelines are potentially of relevance. For example the Guidelines:
- (a) Specify a number of 'Editorial Values' which include commitments to impartiality, editorial integrity and independence, transparency, accountability, avoiding knowingly and materially misleading audiences and achieving due accuracy.<sup>18</sup>

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<sup>12</sup> Articles 3 and 4.

<sup>13</sup> Article 49.

<sup>14</sup> Article 52.

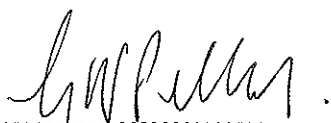
<sup>15</sup> The Framework Agreement was amended in March 2010 and in February and September 2011, although these amendments are not relevant for present purposes.

<sup>16</sup> Clause 44.

<sup>17</sup> Para 2.2.2.

<sup>18</sup> Section 1.

- (b) Provide for a chain of editorial responsibility, and make provision for when decisions ought to be referred up the chain of command.<sup>19</sup>
- (c) Make provision for achieving the BBC's commitment to accuracy.<sup>20</sup> The Guidelines emphasise (amongst other things) the importance of gathering material using first hand sources wherever possible, checking and cross checking facts and corroborating claims and allegations wherever possible. It is specifically stated that accuracy is more important than speed, and that where serious factual errors become apparent, these should normally be acknowledged and corrected '*quickly, clearly and appropriately*'. Provision is made for the management of online content over time, and it is specified that '*an appropriate mechanism, including a system of referrals, should be in place to remove or revoke BBC online content*', however, it appears that this mechanism is still under development.
- (d) Lay down rules for the investigation and reporting of crime and anti-social behaviour, including child sexual offending,<sup>21</sup> and for dealing with victims of sexual offending.<sup>22</sup>
- (e) Make provision for the protection of the BBC's editorial integrity,<sup>23</sup> and for dealing with potential conflicts of interest.<sup>24</sup>



**NICK POLLARD**

**18 December 2012**

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<sup>19</sup> Section 2.  
<sup>20</sup> Section 3.  
<sup>21</sup> Section 8.  
<sup>22</sup> Section 18.7.  
<sup>23</sup> Section 14.  
<sup>24</sup> Section 15.

## **PART TWO: SUMMARY**

### **INTRODUCTION**

1. Newsnight's abortive Jimmy Savile inquiry of 2011 started a chain of events that was to prove disastrous for the BBC. It led to one of the worst management crises in the BBC's history and contributed to further chaos that led to the resignation of the Director General a few weeks later over the McAlpine affair.
2. This Report describes the events surrounding the cancellation of the Newsnight story, the broadcast of tribute programmes about Jimmy Savile and the subsequent revelation in an ITV documentary of the very story that Newsnight had been researching. It also looks at the response by the BBC and its failure to explain properly what had happened.
3. The decision to drop the original investigation was flawed and the way it was taken was wrong but I believe it was done in good faith. It was not done to protect the Savile tribute programmes or for any improper reason.
4. In my view, the most worrying aspect of the Jimmy Savile story for the BBC was not the decision to drop the story itself. It was the complete inability to deal with the events that followed. In the first few months after the Savile investigation was halted the News Division's management and its publicity teams seemed to have kept a lid on the rumblings of press interest about the story but it slowly became clear they did not have the full facts and that the problem was not going to go away. An element of personal distrust played a significant part in this.
5. When the full force of the affair broke in October 2012, the BBC's management system proved completely incapable of dealing with it. This Report shows that the level of chaos and confusion was even greater than was apparent at the time. The efforts to get to the truth behind the Savile story proved beyond the combined efforts of the senior management, legal

department, corporate communications team and anyone else for well over a month. Leadership and organisation seemed to be in short supply.

6. In particular, crucial information about the basic facts of the case was not shared. Even when concerted efforts were made to understand it, no-one seemed to grasp what should be done with the information.
7. Efforts were hampered in part by an apparent adherence to rigid management chains and a reluctance to bypass them. But, at the same time, large groups of people spread across different departments were sharing partial knowledge, suggesting courses of action and proposing amendments to statements or to the BBC's official position. Great efforts were made by individuals but there was a critical lack of leadership and of co-ordination.
8. The fallout from Newsnight's Savile investigation generated a great deal of disagreement and, in some instances, personal animosity within the BBC. It is a complex story and it has not been easy to unravel the details. We have examined more than ten thousand e-mails and other documents and received many lengthy personal statements but much of the story, inevitably, depends on personal recollections. We have conducted detailed interviews with nineteen individuals involved, some of them more than once. Accounts of the same incidents (even in recent months) often vary considerably. Some interviewees had strong recollections of relevant events; others did not.
9. This document provides a summary of key events and conclusions and my recommendations.

## **THE NEWSNIGHT INVESTIGATION**

### **Background**

10. Meirion Jones had a long-running interest in the Savile story. His aunt, Margaret Jones, was the head of Duncroft School, the establishment at the heart of the investigation, for around twenty years until 1980. As a boy, he used to visit his aunt there with his mother.



11. In early 2011, Mr Jones found [R1]'s account of her life on 'FanStory', a publicly accessible website. [R1]'s account referred to sexual assaults by a man named only as 'JS' but Mr Jones realised that this was a reference to Savile. The account matched hints from other residents – now grown women – on another social media site (Friends Reunited) that they had had similar experiences.
12. The death of Savile on 29 October was, according to Mr Jones, *'the cue for me to begin my investigation in earnest'* and, on 31 October, Mr Jones pitched the idea of investigating Savile and the Duncroft connection to his editor, Mr Rippon.
13. Over the following days, Hannah Livingston and Liz MacKean (who worked with Mr Jones on the story) found contacts for around 60 ex-Duncroft residents. Ten gave what Mr Jones described as *'useful information'*.

### **The Story**

14. At the very start, the investigation was solely into abuse by Savile. That is clear beyond doubt: the Newsnight team did not know (or have any reason to know) at the time the investigation began – i.e. on 31 October 2011 - that the police had ever investigated Savile.
15. However, by 3 November, in one of Ms Livingston's first contacts with an ex-Duncroft resident, she was told that the police had investigated Savile a few years earlier but that charges had not been pressed because of his age. There was mention of a letter from the police confirming that Savile had not been prosecuted only because he was old and infirm.
16. There are a number of factors that persuade me that the Newsnight investigating team – Mr Jones, Ms MacKean and Ms Livingston – did consider the police letter important.
  - (a) There is considerable evidence of the team's repeated efforts to confirm the police angle, in particular, the 'old and infirm' strand, by attempting to track down the police letter.

- (b) The 'old and infirm' strand of the police angle – the claim that the case had been dropped because of Savile's age – featured prominently in the draft lead-in for the story and in the outline script itself.
  - (c) Proving the strand would have given a powerful boost to the credibility of the women who reported receiving the police letter, bearing in mind that several of them had said they had received such a letter.
17. Questions surrounding action (or inaction) by the police and CPS soon figured prominently in the investigation. That element of the story was not present at the very start of the investigation but there can be no doubt that it became a prominent element in it within the first few days. It eventually became the central reason why Mr Rippon says he dropped the story. Mr Rippon stressed that this was an important part of the story for him and I accept that is the case.
18. It seems likely that the Newsnight team heard around 14 November that the BBC was planning to broadcast a Christmas special edition of 'Jim'll Fix It'. At some point in the next few days Mr Jones brought the existence of this planned programme to Mr Rippon's notice.

### **The MRPL**

19. Following a meeting with Mr Rippon on 21 November 2011, Mr Mitchell decided to take the Savile story off the BBC's Managed Risk Programmes List ("the MRPL"). The MRPL is an important element in my Report. It is a mechanism by which stories or projects in any part of the BBC that might carry some element of risk are flagged up to management, if necessary right to the top. Mr Rippon says (and I accept) that he was not party to the decision to take the Savile story off the MRPL.
20. It is clear that Mr Mitchell's decision to remove the Savile story from the MRPL is critical and it was important to establish why he had done this. Very unfortunately, he could offer no convincing reason.

21. He suggested two possible grounds for his decision (while always maintaining that he could not remember why he had done this):
- (a) First, he suggested that the risk of reputational harm to the BBC was not a relevant risk for the MRPL. This is plainly wrong, as is clear from my discussion of the MRPL in Part I of this Report. There were many stories on the MRPL at the time whose risk was mainly or even solely to the BBC's own reputation. Ms Boaden, David Jordan, George Entwistle, Mark Thompson and Lord Patten all agreed that reputational risk was a very relevant factor for a story's inclusion on the MRPL.
  - (b) Second, Mr Mitchell suggested that it had been too early for the Savile story to be on the list. However, this too was unconvincing. The suggestion was clearly inconsistent with many other projects that were on the MRPL despite being several months away from transmission.
22. Ms Boaden agreed that the decision to take the Savile story off the MRPL did not make any sense. She said she could not account for the decision, which she said *'[didn't] add up'*. Lord Patten described the decision as *'extraordinary'*.
23. My conclusions on these issues are:-
- (a) During a meeting on 21 November, I believe that Mr Rippon and Mr Mitchell discussed the Christmas tributes programme. During that meeting, Mr Mitchell properly told Mr Rippon that the existence of the tribute programmes was irrelevant to Mr Rippon's editorial decision. In particular, I do not conclude that, during this meeting, Mr Mitchell put any pressure on Mr Rippon not to run the Newsnight programme. Following that meeting an email was sent by Liz Gibbons (who was responsible for the MRPL in Newsnight) saying that *"I know Peter and Steve talked about the Vision issues surrounding Saville [sic] so that [removing Savile from the MRPL] sounds sensible."*
  - (b) Mr Mitchell's decision to remove the Savile programme from the MRPL was a serious mistake on his part, for which he has not been able to

provide any credible explanation. I can only conclude that he did so because of a misconceived notion that the programme was potentially so sensitive that it should not appear on the list (but that Mr Entwistle should instead be verbally warned about the risk by Ms Boaden).

- (c) While what would have happened had the Savile programme been on the MRPL (as, in my view, it should have been) cannot be predicted with certainty, I do think that, had it been on the MRPL, some of the issues which have followed might well have been avoided. At the very least, that would have opened the door for appropriate conversations among senior BBC management about the nature of the Newsnight investigation and the ability to reach an informed decision at Vision about the tribute programmes.

24. Mr Mitchell was not helped by the fact that, as I discuss in Part One of my Report, the BBC does not have any written guidelines which might have assisted him in coming to his decision as to whether the Newsnight programme should be included in the MRPL. As I comment in Part One, this surprised me, particularly when one bears in mind that this very matter was highlighted in the Wyatt Report. As a consequence, one of my recommendations is that appropriate written guidelines be drawn up and put into practice as soon as possible.
25. On 25 November Mr Williams-Thomas told Mr Jones that Surrey Police had confirmed to him, off the record, that they had indeed investigated Savile. That was a big step forward. Mr Jones immediately passed the news on to Mr Rippon. Mr Rippon replied a few minutes later stating simply: *'Excellent. We can then pull together the tx (transmission) plan'*.

#### **The events of 29 and 30 November 2011**

26. The events of 29 and 30 November are a key part of the story.
27. Mr Rippon sent Mr Mitchell an email at 1.19pm. It was very positive and enthusiastic about the Savile story. It is clear that Mr Rippon was, when he sent this email, in a mode that can best be described as 'full steam ahead'.

28. However, there were two mistakes in this email. Mr Rippon said that two victims have been interviewed on tape – only one had. He also said that the team had *'confirmed that Surrey Police carried out an extensive investigation into the allegations but in 2009 the CPS decided not to prosecute on the grounds that [Savile] was too old'*. At that time, that fact had not been confirmed and was later confounded.
29. The question of whether a telephone conversation took place between Mr Rippon and Mr Mitchell on 29 November 2011 is important because at 9.37 a.m. on 30 November, Mr Rippon sent the following email to Mr Jones:
- 'Having pondered this overnight I think the key is whether we can establish the CPS did drop the case for the reasons the women say. That makes it a much better story. Our sources so far are just the women and a second hand briefing. Have we exhausted all chances of getting the letter?'*
30. Clearly, therefore, Mr Rippon's attitude to the story changed overnight and his email at 9.37am on 30 November established, for the first time 'a journalistic bar' the story would have to surmount if it was to be broadcast. Rather suddenly, establishing that the CPS did not prosecute Savile because he was old and infirm had become *'the key'*.
31. The 30 November e-mail prompted discussions and indeed arguments between Mr Rippon on one hand and Mr Jones and Ms MacKean on the other. It seems clear to me, though, that by this stage relationships between Mr Rippon and his investigative team began to break down.

### **The 2 December lunch**

32. On Friday 2 December, Mr Rippon, Mr Mitchell, Ms Boaden, Mr Entwistle and others attended an awards lunch organised by Women in Film and Television. Mr Entwistle, of course, was at that time the BBC's Director of Vision. Mr Mitchell had, on 23 November, suggested to Ms Boaden that it would be *'a kindness to George'* to let him know the basic details of the Newsnight Savile investigation, which she did at the lunch.
33. Mr Entwistle told us that he did not take any action in response to Ms Boaden's warning. My comments on this conversation start with the fact that

Ms Boaden had been asked by Mr Mitchell to bring the Newsnight Savile investigation to the attention of Mr Entwistle: she clearly tried to do this before the lunch on 2 December 2011, but it transpired that the lunch was the first opportunity for them to speak. She was, however, delivering an important message and, in my view, this was an inappropriate way to do so. It was too casual, too fleeting and left much uncertainty about the outcome. In my view, Mr Entwistle's approach to what he was told at the lunch was unnecessarily cautious and meant that an opportunity was lost. In particular, it surprised me that Mr Entwistle took no steps to review his Christmas schedule while waiting to hear further from Ms Boaden.

34. The story suffered a fatal blow on 9 December. The CPS provided Mr Jones with a statement:

*'Following an investigation by [Surrey] Police, the CPS reviewing lawyer advised the police that no further action should be taken due to lack of evidence'.*

35. The statement added:

*'As this is the case, it would not be correct to say that his age and frailty was the reason for no further action being taken.'*

36. This was obviously highly significant. In Mr Rippon's eyes, of course, it meant the story fell below the bar he had set. It was clear he would not agree to run it. For the Newsnight investigators, although they still believed the story should be broadcast, there cannot have been any doubt that the CPS statement was a disappointment and a setback to the story.

**Did any inappropriate managerial pressure or consideration influence the decision of Mr Rippon not to run the Savile story?**

37. The answer to this question is no. While there clearly were discussions about the Savile story between Mr Rippon and his managers, Mr Mitchell and Ms Boaden, I do not believe either of them exerted undue pressure on him.
38. Ms MacKean and Mr Jones thought that pressure had been exerted. Mr Jones made it clear that he believed that there was so little journalistic logic behind Mr Rippon's decision to drop the Savile story, that he could only have

been motivated by pressure caused by the Christmas tribute programmes. I have no doubt that Mr Jones thought this, but he accepted that he had no evidence of that, and I do not agree with him.

39. Mr Rippon has told us that the decision to drop the Savile story was his, and his alone. I accept that the final decision was his. However, his decision was clearly influenced by his two managers.
40. The first was Ms Boaden. This influence arose during a meeting with Mr Rippon on 21 November. During that conversation, Ms Boaden made it clear to Mr Rippon that the fact that Savile was dead was not a reason for lowering accepted editorial standards. I consider that she was fair, perhaps forceful and decisive. The message she was clearly sending was that the bar should not be lowered: a message that I regard as reasonable.
41. The second person who influenced Mr Rippon was Mr Mitchell, during their conversation on 29 November. My conclusion is that that conversation had an important influence on the view of the strength of the Newsnight investigation which Mr Rippon expressed the following day, 30 November 2011, which reflected a dramatic shift in the position he had expressed on 29 November. However, I have no reason to believe that what Mr Mitchell said was inappropriate or that it was influenced by any wish on Mr Mitchell's part to protect the Savile tribute programmes. I conclude that it is very likely that what Mr Mitchell said was motivated by Mr Mitchell's caution about the Savile story and his insistence on a proper and rigorous editorial process.

**Why was the story not pursued after December 2011? Was Mr Rippon's decision to drop the story a reasonable one?**

42. It has to be said clearly: there is no doubt, in my mind, that Mr Jones and Ms MacKean were right about Savile. Their belief that Savile had a history of abusing young women was correct. They provided Newsnight with cogent evidence of this. The programme could have broken the story almost a year before the ITV documentary revealed it.

43. Mr Rippon's decision to drop the Savile story was seriously flawed: he made a bad mistake in not examining the evidence properly. He was not only Newsnight's editor, he was the Executive Producer of the Savile investigation too, in other words he had assumed the hands-on role of supervising the piece before it went to air. I cannot understand why Mr Rippon did not give himself the chance of viewing the central interview and reading notes of other interviews.
44. I accept that Mr Rippon had, to varying degrees at different times, doubts about the evidence that had been compiled. In some respects, this was understandable, but these doubts would have carried much more weight in my view if they had been accompanied by proper scrutiny of the evidence that had been gathered.
45. In the days before the Savile investigation was finally halted, Mr Rippon had therefore, effectively, set his face against running the story. However, he told me that, when the story was dropped, he *"was kind of 60/70 plus percent confident that the testimony we had gathered was likely to be true."* Mr Rippon said that he might have been *'guilty of self-censorship.'*

**Should material derived from the Savile investigation have been provided to the police/relevant authorities?**

46. I have taken advice on this issue. Based upon that advice, I conclude that evidence held by the BBC would probably have been of interest to the police and I believe that, sensibly, it should have been provided to the police. This will be one of my recommendations.

**THE TRIBUTE PROGRAMMES**

47. On 29 May 2010, Mr Vaughan-Barratt sent an email to Mr Entwistle (then the BBC's Controller of Knowledge Commissioning), saying:

*"George, I understand jimmy [Savile] is very ill. We have no obit and I am not sure we would want one. What do you think.*

*I have a personal interest here: my first job in TV was on a JS show – I know him well and saw the complex and sometimes conflicting nature of the man at first hand – if*



*you know what I mean! Do you have an opinion? Mine is ironic, flawed and fascinating. But all a long time ago! N"*

He later said:

*"I'd feel v queasy about an obit. I saw the real truth!!!.."*

48. The day after Savile died, Mr Vaughan-Barratt sent an email to Jan Younghusband stating:

*'We decided that the dark side to Jim (I worked with him for 10 years) would make it impossible to make an honest film that could be shown close to death. But maybe one could be made for later.*

49. Later that day Mr Entwistle agreed that there was no need for a quickly prepared obituary. On 31 October Danny Cohen came up with a proposal to commission a special Christmas edition of 'Jim'll Fix It'.

50. Mr Entwistle was sent another e-mail, this time by Jan Younghusband, saying

*'I gather we didn't prepare the obit because of the darker side of the story. So something celebrating a particular part of his TV career is probably better than the [life] story as there are aspects of this which are hard to tell'.*

51. Mr Entwistle then replied to Mr Cohen's e-mail about the 'Jim'll Fix It' special. Mr Entwistle did not reply to Ms Younghusband's e-mail about *'the darker side of the story'*. Mr Vaughan-Barratt viewed Savile's life style as unorthodox and his personality as *'weird'*. Ms Younghusband had no particular idea what Mr Vaughan-Barratt had meant by *"the dark side"*. She had heard rumours that Savile had mishandled charity money, knew there was speculation about his sex life and said he seemed *"a pretty weird guy"*.

52. Mr Entwistle said that he did not read the email referring to *'the darker side of the story'* and he does not believe it was sent in an effort to warn him. In my view the phrase carries enough impact that, if he had read the email, I think it is highly likely that he would have spoken first to Ms Younghusband and then to Mr Vaughan-Barratt (the originator of the *'dark side'* phrase who had worked with Savile for many years). It is at least possible that a conversation with Mr Vaughan-Barratt would have given Mr Entwistle some pause for thought about the planned Christmas tributes. Mr Vaughan-Barratt could, of

course, have spoken to Mr Entwistle or emailed him direct if he had wanted to alert him further.

53. I have seen no evidence that anyone involved in the making of the tribute programmes knew of any allegations against or rumours about Savile. Were there nonetheless opportunities to discover these and to evaluate whether or not the programmes should have been commissioned, produced, or ultimately broadcast? In my view there were.

- (a) First, the '*dark*' or '*darker*' side emails. In one sense this looks like a missed opportunity for further questions to be asked. As both Mr Entwistle and Mr Cohen say they did not read the email each was sent, the question is somewhat academic. I do not regard that email as a 'smoking gun' but it indicates to me that there was knowledge, not just rumour, within BBC Vision about the unsavoury side of Savile's character at the time the Christmas tribute programmes were planned. If either email had been read it was at least possible that further questions would have followed.
- (b) Second, on 28 November 2011, Mr Cohen met with Mr Mitchell. Mr Mitchell could have taken the opportunity to tell Mr Cohen that there was an investigation into Savile. However, there should be no need to do so, as there was a formal mechanism in place to ensure that stories that were brought to Vision's attention: that is the MRPL.
- (c) The third candidate is the short conversation between Ms Boaden and Mr Entwistle at the awards lunch on 2 December 2011 (referred to above).
- (d) The fourth candidate, and in my view a true and most fundamental missed opportunity, was the MRPL. The Savile story was not a fast turnaround news piece, it could have been kept on the MRPL and indeed it should have been. It seems to me clear that the failure to ensure the story was on the MRPL was a significant missed opportunity that might have led to the BBC not showing tribute programmes to Savile.

## **EVENTS BETWEEN DECEMBER 2011 AND SEPTEMBER 2012**

54. The dropping of the Newsnight investigation was discussed by BBC Reporter Caroline Hawley at a Christmas drinks function in 2011 with Mr Thompson. She formed the impression that Mr Thompson had no knowledge of the story. Following the function, Mr Thompson checked the story out with BBC News but learnt no specifics of the investigation. Indeed, Mr Thompson told me that the various press stories which followed passed him by. I have no reason to doubt what he told me.
55. From December 2011, journalists approached the BBC. Immediately, there was a confusing elision of different womens' accounts in press responses prompted by Mr Rippon, which was extremely unfortunate and the consequences of this error were profound and resonated for months to come. Press interest continued into summer 2012 and the information continued to be provided from memory and not from source material: it appears that this was in part influenced by concerns about leaking to the press.
56. On 7 September 2012 the BBC received a three page letter from ITV posing a number of questions for response relating to Savile. This led to a response to ITV containing the now familiar line that:

*"...the story was dropped for editorial reasons. Newsnight was pursuing a particular angle relating to the CPS/Police which they were unable to substantiate and which was therefore not broadcast..."*

## **THE BBC'S BLOG AND ITS AMENDMENT**

### **The Briefing Note**

57. The content of the blog had its genesis in a briefing note which Mr Rippon prepared during the morning of 2 October at Mr Mitchell's request. Mr Rippon was asked by Mr Mitchell to outline *'the decision making process from commission to decision not to proceed, as best as you can recall'*.
58. There are a number of striking features to note. The first is that it was clear from the outset that this briefing note could never be relied upon as a full and

complete account of events as it was prepared at speed and on the basis of Mr Rippon's recall alone. Mr Rippon was not asked to go back to relevant source material. Unfortunately, the lack of proper preparation at this stage contributed to the later difficulties which arose in relation to the blog which followed this briefing note. As soon as Mr Rippon had finalised the briefing note, he turned to the preparation of a blog.

### **The Blog**

59. From the outset, both the briefing note and the blog were flawed documents. The instructions given by Mr Mitchell to Mr Rippon meant that the briefing note was most unlikely to be sufficiently reliable to meet the purpose that Mr Mitchell quickly assigned to it. A number of people then compounded the error by acquiescing in the production of a blog which was not a full and completely frank account of the decision-making process. Yet further errors followed.
60. Mr Rippon's blog was published on the BBC's Editors' Blog site: 'The Editors'. There is an evident tension between the journalistic and public relations aspects of this site. It seems to me that the BBC is not clear in its own mind whether a blog is, or is not, part of the BBC's journalism and, as such, subject to usual editorial standards. If the blog was subject to editorial standards, it clearly breached a number of these.
61. The preparation of the blog can only be described as chaotic. The impression given is of no particular individual being in control of and responsible for that process who was charged with ensuring that the document produced was precise and accurate. I have also concluded that there were significant failings in the managerial oversight of Mr Rippon's blog.
62. First, a relatively casual briefing note prepared, at the request of Mr Mitchell, for internal purposes, was quickly repackaged for presentation to the public. As Ms Boaden put it, there was a shift from '*What do you remember Peter? To being a blog without anybody noticing..*'.

63. Secondly, the error was compounded by Mr Mitchell not only immediately categorising the briefing note as *'the detail behind our existing public position'* but in causing the blog, from the outset, to omit a significant and central part of the story when he instructed Mr Rippon *'to steer away from some of the elements of witness reliability'*.
64. This lack of clear leadership in relation to the blog contributed to the lack of clarity in the document and in respect of the blog's purpose. A media storm was gathering, there was significant interest in the blog within the BBC and the blog was a public statement. In my view, the blog was clearly the BBC's public statement on a challenging issue and its preparation required proper rigour and attention to detail. When clear leadership was required, it was not provided.
65. Inevitably, the errors in Mr Rippon's blog began to feed into the BBC's responses to media requests almost immediately. The inaccuracies in the blog did not go unnoticed for long.
66. After giving his interview on Today on 8 October 2012, Mr Entwistle received emails from Mr Jones by Ms MacKean. Ms MacKean emailed Mr Entwistle to share her *'disquiet'* with *'the handling of the Newsnight Savile story'*:
- '[It was not] as Peter Rippon implied in his blog, the sort of 'celebrity exposé' that Newsnight would not normally go near. Our report contained serious allegations about the behaviour of Jimmy Savile on and off BBC premises. Despite public assurances, again [in] the blog, that we had no information that was not already known to the Surrey police, in fact we did.*
- Ever since the report was dropped, just ahead of it being edited, there have been repeated misleading statements from the press office about the nature of our investigation'.*
67. Mr Entwistle asked Ken MacQuarrie the Director of BBC Scotland to investigate the matter. Mr MacQuarrie was chosen, Mr Entwistle says, as he was someone external to BBC News whom he could trust.
68. Mr Mitchell and Ms Boaden took the view that, once Mr MacQuarrie had been tasked with investigating Ms MacKean's and Mr Jones's complaints about the

blog, the matter was effectively out of their hands. As Mr Mitchell put it, it was then part of a '*corporate*' process.

69. The MacQuarrie process achieved little. Mr Entwistle told me that he became convinced that it would not be possible to get an accurate account of events '*that would be bought into by the entire culture*' unless an external review was held.

70. The consequence was that Mr Entwistle says he reached the conclusion that:

*'... the way I was going to be able to do anything about the blog was to make sure that the legal team did a forensic analysis of all the underpinning documents and thus were able to give me a non-emotional account of what had been wrong with the blog'.*

71. This resulted in a delay before any action was taken to correct the blog while the BBC legal department reconstructed events from the documentary material they had already gathered in order to ensure that all relevant material had been provided to the Police.

72. On 16 October, Mr Jones made a direct attempt to talk to Mr Entwistle. Mr Jones requested an off-the-record conversation, which Mr Entwistle rebuffed, he explains because any such conversation would have needed to be on the record, but also because '*to be frank, I didn't trust him to have an off-the-record conversation with me*'.

73. Mr Jordan recalled that Mr Entwistle spent large parts of the weekend of 20/21 October '*closeted with lawyers*' talking, he assumed, about changes to the blog. Over the course of this weekend, Mr Entwistle received from BBC Legal a table listing inaccuracies they had identified in the blog.

74. In the afternoon of 20 October, Mr Payne sent Mr Mylrea an eye-opening text message in the context of a discussion about media queries about whether Mr Entwistle would resign:

*'Thought of the hour. PR changes blog and accepts he was wrong and goes giving panorama a scalp. GE then goes into Select saying he backed his editor as you would expect. Turns out he was wrong sad but he did the right thing and we all move on???'*

75. Two days later, after the blog correction had been made, another message was sent from Mr Payne to Mr Mylrea saying:

*'Think am going to need to brief hard today that PR blog was the basis for all our position on this. Only way to protect GE etc. Would be good to know if they had any corroborating views besides just that'.*

76. It seems clear to me that by 22 October, the blog had been transformed into a document regarded by some as a means of insulating the Director General from criticism. Ms Boaden recalls, earlier in October, Mr Entwistle as saying that he was going to do a public statement *"that makes it impossible for Peter [Rippon] not to resign"*. In the meeting when Mr Entwistle said that, Ms Boaden says that she offered to take public responsibility and resign if necessary, but that Mr Entwistle refused to accept her resignation.
77. These were clearly very challenging times in the BBC: but it is in those times that leadership is required. It is clear that the BBC was thrown into disarray by the errors in the blog and had no structure in place to deal with them. What is marked, however, is both the time it took for the errors to be addressed and the fact that, for some time at least, no one individual fully stepped up and took responsibility for the issue. I am, in this context, critical of Mr Entwistle, who became aware of issues with the blog at an early stage and who, while not inactive, appears to have taken a long time to take any real control of the issues.
78. Likewise, I am surprised that Ms Boaden does not appear to have taken a more pro-active role. I acknowledge that she was not on the gold team set up by Mr Entwistle on 11 October, but it was clear that a significant part of the division she headed was in virtual meltdown, and I would have expected her to have taken a more active role in resolving things. In correspondence between the Review and Ms Boaden's lawyers, arguments were raised that it would be highly unfair to criticise her and to attribute any failings to her during this period, but I think that, given her position, she should have taken greater responsibility. Mr Mitchell was – for a time – involved, but unfortunately his actions do not seem to have made a significant contribution to resolving the BBC's difficulties.

## **RECOMMENDATIONS**

79. The BBC's news and editorial management needs to be reviewed. That is a key job for the acting and designate Directors General. It is certainly not the case that everything in BBC News management needs repair. There have been two immensely damaging failures in Savile and McAlpine, with the first paving the way for the second, but BBC News has continued to do outstanding work and I do not suggest it needs to be torn down brick by brick. But it must be right to understand and repair the parts that have let down the whole.
80. That examination ought to start at the top. I do question whether the Director General's status as 'editor in chief' is of continuing utility. At present, the role seems to me to bring ultimate responsibility without the practical ability to step in at an early enough stage and make a significant difference if required.
81. Several witnesses (including the current Director of News) told us they believed the Savile affair – and in particular the BBC's poor handling of it after the investigation was halted – would not have happened (or at least would not have been so damaging) if the role of Deputy Director General once occupied by Mark Byford had still been in existence. The role was abolished as, essentially, a high profile cost saving about two years ago. It may not be right simply to recreate that role, but the roles and responsibilities at the top of the BBC and how it interacts with the News Division need examining.
82. BBC News depends on delegated editorial authority and in an organisation of such size that is inevitable and appropriate. However, there needs to be an effective way of dealing with problems when they arise. It is clear to me that in the Savile case that did not happen. One problem was an adherence to too 'rigid' and structured a way of referring things up the management chains and a reluctance to bypass them. This problem needs to be recognised and addressed.
83. Similarly, a culture of 'waiting to be told' seems to have played a significant part in the problems I have described. Fostering more inquisitiveness and initiative at all levels would have helped.



84. The system must also be able effectively to anticipate problems. It is clear to me that there were difficulties within the Newsnight team before the problem with the Savile investigation developed. Where there are, for example, concerns that an editor may be losing the confidence of staff those concerns need to be addressed, and not left to fester.
85. The MRPL is a valuable tool for sharing of important information but it needs to be made to work more effectively. It must be less of a box-ticking exercise and more informative. I have a concern that there may be too many stories on the list and not enough information about them, with a risk that the really important wood is hidden by too many trees. As the MRPL currently exists it seems to me that it would be difficult to have a useful discussion about it or easily to pick out the really important items. The BBC has obviously put a lot of thought and effort into the MRPL but it still needs more work as, indeed, the Wyatt Report suggested. It should be properly defined in writing and all those whose work is affected by it need to understand what it is for and how it works. The fact that the editor of Newsnight described it as 'a bureaucratic nicety' illustrates that there is much to do on this front. Thought should be given to what role the MRPL could usefully play in 'quick turnaround' stories and even daily news. It may be that a 'live' online version (though with restricted access) would be one answer.
86. The principle of sharing full information must be embraced. We heard no good reason for 'Chinese Walls'. There would have been no danger in Ms Boaden giving Mr Entwistle a complete briefing about the Savile investigation. The theoretical fear that someone might then put undue pressure on someone in return is not a good enough reason for not sharing important information in the first place.
87. I found it interesting that many of the people involved in this story seem to have spent all or nearly all of their working lives at the BBC. There is no easy or quick solution to this – if indeed a 'solution' is required at all – but to my mind it does raise a question about the insularity of some people within the BBC and whether all parts of it are sufficiently open to outside industry practices and attitudes. Similarly, I got the impression that in some quarters

there is a lack of awareness about the rest of the BBC coupled with a fierce loyalty to an individual programme or team rather than to the BBC itself; not necessarily a defect in itself but a feature which poses dangers for the BBC if taken too far.

88. The BBC needs to decide what their blogs are for, particularly Editor's blogs. Are they a true journalistic outlet, in which case they must meet BBC editorial standards and the Press Office should not be involved with them. Or are they a public information device? If so, that needs to be made clear to those writing them, approving them and reading them. Do they get many readers? Are they more trouble than they're worth? I have some doubts as to whether they are genuinely a useful tool for accountability.
89. The BBC needs to look again at its practices for handing material to the police. The Newsnight Savile investigation produced an extremely unusual issue – a story that was not deemed convincing enough for broadcast yet included material that the police should have been given. It is unlikely such a situation will occur often but the wider issue about how and when material should be handed to the police needs to be considered, both as a matter of law and as a matter of good practice.
90. Finally, I offer a journalist's take on some relatively straightforward but very important lessons that should be learnt from the Savile experience.
  - Employ good journalists and have faith in them. Gather credible evidence and rely on it.
  - Recognise that personal relationships and trust are indispensable.
  - Have editorial executives who inspire confidence and loyalty in programme staff.
  - Insist on mature and open discussions about the strength of stories.

- Be ready to collect more evidence if what is gathered is not enough.
- Be prepared to hand over a story to another programme if it needs more work (it won't happen often and it goes against the grain for many people but it would have been the perfect solution here. Panorama could have broken the Savile story even though Newsnight had decided not to run it).
- Don't let a poisonous atmosphere develop on programme teams.
- You can't lay down procedures that stop people leaking. You can only try to persuade people that it's a corrosive practice, which it is.
- Challenging decisions is good. No-one has a monopoly on wisdom. There shouldn't be a rigid and unapproachable structure.

## **PART THREE – THE NEWSNIGHT INVESTIGATION AND THE DECISION TO DISCONTINUE IT**

1. This part deals with the evidence presented to the Review about the Newsnight Savile investigation and the decision to end it without running a story. Most of the first chapter is a narrative of the way the investigation unfolded and the disagreements that developed about it. In the second chapter I give my conclusions as to why the story was not run and whether there were any failings in the management of the investigation.

### **PART THREE – CHAPTER ONE: THE INVESTIGATION**

#### **Mr Jones's personal interest in the Savile case**

2. Meirion Jones had a long-running interest in the Savile story. His aunt, Margaret Jones, was the head of Duncroft School, the establishment at the heart of the investigation, for around twenty years until 1980. As a boy, he used to visit his aunt there with his mother.
3. During these visits Mr Jones apparently became aware of Savile's visits to Duncroft. He saw him there at least six times between 1970 and 1976. He told me that he saw Savile take out a group of young teenage girls from Duncroft in his Rolls Royce convertible. Although he never witnessed Savile taking out a girl on her own – as opposed to in a group – his mother apparently did and mentioned her concern about this at the time to the headmistress, Ms Jones.<sup>1</sup>
4. Mr Jones told me that, because of these experiences, he had a personal interest in trying to ensure that, if there was a story to be told about Savile and Duncroft, he would tell it.<sup>2</sup> For several years, he had kept an eye out for signs of such a story developing.
5. In early 2011, Mr Jones found [R1]'s account of her life on 'FanStory', a publicly accessible website. It appears to have struck a chord, fitting in with the images he had remembered and bringing back the '*voices and catchphrases*' of

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<sup>1</sup> 10/033 paragraph 4.4

<sup>2</sup> 10/034 paragraph 4.7

Duncroft staff.<sup>3</sup> [R1]'s account referred to sexual assaults by a man named only as 'JS'<sup>4</sup> but Mr Jones realised that this was a reference to Savile. The account matched hints from other residents – now grown women – on another social media site (Friends Reunited) that they had had similar experiences. There were also references on that site to a police investigation having taken place at some stage.<sup>5</sup>

6. In July 2011 Mr Jones was working on a story with Mark Williams-Thomas, a former detective and specialist in the field of child abuse. Mr Jones discussed the Savile story with Mr Williams-Thomas, who agreed to '*dig around*',<sup>6</sup> and to look into whether such a police investigation might have taken place.<sup>7</sup> Mr Jones told me that, around July 2011, he mentioned the Savile story to his Newsnight colleague Liz MacKean.<sup>8</sup> The death of Savile on 29 October was, according to Mr Jones, '*the cue for me to begin my investigation in earnest*'<sup>9</sup>.

### **31 October – Mr Jones pitches the story**

7. On 31 October, Mr Jones pitched the idea of investigating Savile and the Duncroft connection to his editor, Peter Rippon. Mr Jones described Mr Rippon's response as '*enthusiastic*' and said Mr Rippon '*rightly*' asked to see the online memoir of [R1].<sup>10</sup> Mr Rippon recalled the meeting differently, saying he was '*quite lukewarm*' about the story, although he could not remember the precise words he used.<sup>11</sup> Mr Rippon recalled that he told Mr Jones that he should not prioritise work on it.<sup>12</sup> It is difficult to be certain who is right. However, as I will discuss below, the evidence suggests that Mr Rippon's attitude to the Savile story fluctuated during the relevant period between cautious and enthusiastic. Mr Rippon sought, during his evidence to the Review, to present himself as generally cautious and unenthusiastic about the

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<sup>3</sup> 10/034 paragraph 4.13

<sup>4</sup> 12/011

<sup>5</sup> 12/030- 12/032

<sup>6</sup> 10/034 paragraph 4.14

<sup>7</sup> 11/141 lines 12 - 14

<sup>8</sup> 10/034 paragraph 4.14

<sup>9</sup> 10/035 paragraph 5.2

<sup>10</sup> 11/140 lines 21 -23

<sup>11</sup> 11/337

<sup>12</sup> 11/338 – 11/339

Savile investigation. However, my conclusion was that he overdid this: his attitude and level of enthusiasm actually appears to have fluctuated.

8. On 31 October, Mr Jones sent an e-mail to the editor of Panorama, Tom Giles, alerting him to the Savile story.<sup>13</sup> It is not clear whether he sent this email before or after his discussion with Mr Rippon. There are two interesting points about this email:

- First, Mr Jones says that Savile would allegedly take '*14 year old girls on unescorted outings to TVC [Television Centre] and the like and then molest them with his friends*'. So, from the earliest communication about the Savile story the accusations being made included (i) allegations of abuse on BBC premises and (ii) allegations that the abuse was committed not only by Savile but by his (unnamed) '*friends*'.
- Second, there is no mention of the police having investigated Savile.

9. Early that afternoon, Mr Jones, as requested, sent Mr Rippon an extract from the 'web memoir' of [R1].<sup>14</sup> This extract is much longer than his email to Mr Giles, but the same two points are worth noting:

- First, the extract from the memoir explicitly set out allegations of abuse committed on BBC premises. In addition, allegations were made not only about Savile but also about two other celebrities, including one referred to as 'G'. These two aspects of the story were thus present from the outset and would have been apparent to a reasonably careful reader of the extract from the web memoir.
- Second, the extract contains no reference to the police having investigated Savile. This aspect of the story was thus not present from the very outset. Both Mr Jones and Ms MacKean referred to this and said that this was because [R1] had not contacted the police.<sup>15</sup> This latter point would not however have been apparent to someone (such as Mr Rippon) who simply read the web memoir.

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<sup>13</sup> 12/009

<sup>14</sup> 12/011 – 12/012

<sup>15</sup> 10/035 paragraph 5.4; 10/072 paragraph 2

10. Mr Rippon told us that reading the extract from [R1]'s memoir did not warm him to the story.<sup>16</sup> Mr Jones had mentioned to him that the residents at Duncroft were *'often people who had issues with the police..(and)..antisocial behaviour'*.<sup>17</sup> Mr Rippon also noted that [R1] had suggested that she had been on *'Lithium'*<sup>18</sup> at the time and so had (in her words) *'very little recollection'* of an incident in which she was allegedly abused by Savile.<sup>19</sup> Mr Rippon said he did not recall making any judgement about whether the story at that stage was concerned with allegations of abuse on BBC premises.<sup>20</sup>
11. Mr Rippon told me that he did not know at this stage whether Mr Jones was planning to look into the story further.<sup>21</sup> However, Mr Rippon plainly allowed Mr Jones the freedom to pursue the investigation and he did so.

## **2-8 November: Gathering the evidence**

12. Mr Rippon wanted to involve Ms MacKean. On 2 November she e-mailed him outlining two possible stories for her to pursue, including Savile. He responded the following day saying *'Lets do the JS story with Mei [i.e. Mr Jones] first'*.<sup>22</sup> Mr Rippon told us that this was because, between the original pitch for the story and 2 November, Mr Jones had come back to him with information that more than one woman was involved and that there were suggestions, as I discuss below, that the police had investigated but had taken no action because of Savile's age.<sup>23</sup>
13. Although Mr Jones was clearly the driving force behind the investigation, he also had several other projects on his plate and was abroad for most of the first half of November 2011.<sup>24</sup> However, he kept in close touch with Ms MacKean.

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<sup>16</sup> 11/338

<sup>17</sup> 11/338 lines 10-12

<sup>18</sup> 11/338 lines 6-7

<sup>19</sup> 12/011

<sup>20</sup> 11/361

<sup>21</sup> 11/339 lines 10-11

<sup>22</sup> 12/018

<sup>23</sup> 11/340 lines 13-20

<sup>24</sup> 10/035 – 10/036

They were also able to call on the support of a BBC trainee, Hannah Livingston, who was on attachment to Newsnight.<sup>25</sup>

14. Over the following days, Ms Livingston and Ms MacKean found contacts for around 60 ex-Duncroft residents. Ten gave what Mr Jones described as *'useful information'*; five reported that they had been abused by Savile at Duncroft and another reported that there had been abuse by Savile at the Stoke Mandeville Hospital.<sup>26</sup>
15. One of Ms Livingston's earliest notes, on 3 November, recorded a conversation with [R6].<sup>27</sup> According to this note, [R6] said that she *'received a letter from Surrey police asking her for information. She didn't respond...Found out through [another Duncroft resident] that they didn't proceed because they thought Savile was too old'*.
16. The apparent existence of a letter from Surrey police in those terms was not an aspect to the story which had been mentioned in [R1]'s account. It is, however, clear that this was uncovered early on in the investigation and that it quickly became an important element of it. Its significance is obvious – the claim was that not only had the police carried out an investigation against Savile but, moreover, that they had not pursued him because (and the implication was *only* because) of his age and infirmity.
17. According to Mr Rippon, this was the basis for his heightened level of interest in the story in his e-mail to Ms MacKean on 3 November telling her to *'do the JS story with Mei first'*.<sup>28</sup> Ms MacKean replied that the story *'sounds really strong'* saying that she would aim to talk to some of the other women affected the following week.<sup>29</sup>
18. On 4 November Mr Jones told Mr Williams-Thomas in an e-mail that he was *'very keen'* for him to be involved in the story as a consultant and expert.<sup>30</sup> Mr Jones clearly felt that Mr Williams-Thomas (a former Surrey police officer)

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<sup>25</sup> 10/035 paragraph 5.5

<sup>26</sup> 10/035 paragraph 5.7

<sup>27</sup> 12/017

<sup>28</sup> 11/340 lines 13-20

<sup>29</sup> 12/018

<sup>30</sup> 12/020; 10/036 paragraph 5.11



would be useful in finding out the extent of that force's involvement in any previous Savile investigation.<sup>31</sup>

19. By this time, there had been contact between the Newsnight team and several of the ex Duncroft residents. Mr Jones wrote: *'we now know that Surrey Police investigated Savile and interviewed many of the girls... but they told them that he was too old so they weren't going to press charges'*.<sup>32</sup> I do not think that Mr Jones was over-stating the position: there must have been further confirmation from other residents of this point and the team might have strengthened their knowledge of this through posts on Friends Reunited. Mr Jones told me that he thought by this stage three or four residents had told them about the police investigation and the fact that it had been dropped.<sup>33</sup> This lends support to Mr Rippon's evidence that he had been informed about this particular angle to the story by the time he told Ms MacKean to push ahead on 3 November.<sup>34</sup>
20. On 8 November, Ms Livingston reported details of a conversation with another victim, [R2] in an email which also discussed Ms Livingston's planned attempts to locate *'the police letter'*.<sup>35</sup> A review of the interview note produced by Ms Livingston indicates that one of the first things mentioned to the Newsnight team by [R2] was that she had *'received a letter saying they weren't prosecuting JS because of his age'*.<sup>36</sup> [R2] also referred to a trip to Television Centre although she did not say that abuse took place there.<sup>37</sup>

### **9 November: First recorded opposition to the story**

21. On 9 November Ms MacKean told Mr Jones in an email about a meeting with Mr Rippon and one of his deputies, Liz Gibbons, in which Ms Gibbons stated her opposition to the Savile story *'on grounds of taste'*.<sup>38</sup> In a later e-mail to a friend Ms Gibbons said *'I was on holiday when [the Savile programme] was commissioned and I issued lots of expletives when I got back and found out we*

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<sup>31</sup> 10/036 paragraph 5.11

<sup>32</sup> 12/020

<sup>33</sup> 11/142 lines 21-24

<sup>34</sup> 11/340 lines 13-20

<sup>35</sup> 12/021

<sup>36</sup> 12/022

<sup>37</sup> 12/023 – 12/024

<sup>38</sup> 12/026

*were doing it. Personally I wouldn't have gone near it in the first place and I was very supportive of the decision to drop it, for a host of reasons.*<sup>39</sup>

22. Ms MacKean told me that Ms Gibbons had opposed the story, among other reasons, because of how recently Savile had died.<sup>40</sup> Ms MacKean's e-mail of 9 November said that she persuaded Ms Gibbons around to the idea of running the story '*esp (especially) given [the] police line*'.<sup>41</sup> She also added '*PR agrees that it's worth it, but [of] course they're concerned about women's credibility*'. During her interview, Ms MacKean could not remember whether '*the police line*' was a reference to whether there had been a police investigation at all, or that it had been dropped because of Savile's age or infirmity.<sup>42</sup> At this stage the Newsnight team was following both lines of inquiry.
23. Ms MacKean told us that Ms Gibbons's and Mr Rippon's concerns about the credibility of the witness were understandable and indeed were '*a real issue with these old cases*'.<sup>43</sup> She said that, given this issue, she would not have been satisfied with a single on-camera interview, however credible it had seemed, without substantial supporting evidence. In her view, the Newsnight team ultimately succeeded in providing that.<sup>44</sup>

### **9 November onwards: following up on the "Police Letter"**

24. The investigation pressed on and gathered further accounts of Savile's abuse of victims at Duncroft and elsewhere. At this relatively early stage Ms Livingston had had most, if not all, of the personal contact with the women. Mr Rippon was later to express concern about the fact that the interviews were carried out initially by Ms Livingston (because of her relative inexperience) and on the telephone rather than face to face.<sup>45</sup> Ms MacKean told us, however, that by the end of the investigation she had herself spoken to all but one of the women.<sup>46</sup>

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<sup>39</sup> 12/258

<sup>40</sup> 11/211

<sup>41</sup> 12/026

<sup>42</sup> 11/212 – 11/213

<sup>43</sup> 11/214 line 7

<sup>44</sup> 11/241 – 11/215

<sup>45</sup> 11/355 – 11/357

<sup>46</sup> 11/216 lines 12-24

In any event, both Mr Jones and Ms MacKean clearly thought very highly of Ms Livingston.

25. Mr Jones spoke to [R1] and secured her agreement to do an on-camera interview. He described this as *'a really important development in terms of making the piece a viable news story'*.<sup>47</sup>
26. The importance of the police line was also something that Ms Livingston was alive to. In an e-mail on 9 November she listed matters under the heading *'What definitely needs confirming'*.<sup>48</sup> These comprised the two strands of the police angle: first *'[t]he presence of a police investigation'* and second *'..a letter [that a few of the Duncroft residents]..received from the police saying that there would be no further action taken against Mr Savile because of his age'*.
27. Mr Jones emphasised on a number of occasions during his interviews that he regarded the first of these strands as important but not the second.<sup>49</sup> His explanation was that the presence of a police investigation would demonstrate that the complaints had been taken seriously and that it would corroborate the women's accounts.<sup>50</sup> But he told me that, in his view, the existence of the 'old and infirm' police letter (my phrase) *'doesn't assume any importance in the story'*<sup>51</sup> and that it was *'not an important element'* in the story.<sup>52</sup> I do not accept his view. Not only do the continuing attempts to locate the police letter clearly suggest that this was seen as important by the team, but it is not logical to suggest that the second strand was not important: if proven, it would have greatly strengthened the story. It would have both given the story a powerful additional angle (exposing possible police or CPS failings in respect of the investigation into a potential predatory paedophile) and given a powerful boost to the credibility of the women who reported receiving it. One only has to imagine the celebration and relief that would have followed the production of a genuine copy of that letter. Newsnight would have had a copper-bottomed exclusive story unchallengeable in any serious respect.

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<sup>47</sup> 10/035 paragraph 5.6

<sup>48</sup> 12/027

<sup>49</sup> For example: 11/144 – 11/146; 11/160 – 11/162

<sup>50</sup> 11/149

<sup>51</sup> 11/144 lines 7-9

<sup>52</sup> 11/144 lines 13-15

28. Ms MacKean, in her evidence, was a lot less keen to play down the importance of finding the police letter. She acknowledged that both police strands were separate and important, although she too said that, in her view, the women's credibility did not depend on the letter turning up.<sup>53</sup>
29. As the investigation continued, [R2] became the chief focus of efforts to uncover the police letter. She told the Newsnight team that she had received it and on one occasion said that she had actually e-mailed a copy to Newsnight.<sup>54</sup> Nothing came of this. Ms MacKean accepted that, even though she had doubts about [R2]'s credibility and felt at times she was being '*teased*' by her about the existence of the police letter, it nonetheless remained an important element of the story.<sup>55</sup>
30. There is, however, an important point to make here. I am confident that the Newsnight team did think that the police letter was important. But that does not necessarily mean that the police letter was essential to the story or that the story could not have been made to stand up without it. The best evidence for that, of course, is the ITV 'Exposure' documentary that was broadcast almost a year later. That did not rely on a police letter or any suggestion that Savile was not prosecuted because of age or infirmity, but presented very strong evidence that he was a predatory paedophile.

#### **11 November: the first reference to the MRPL**

31. On 11 November an e-mail was sent by David Gibson, a journalist working in the 'Impact Team' (which essentially ensures that big stories covered by one BBC news programme are reported by others within the BBC) to Sara Beck (who works for Mr Rippon's line manager, Stephen Mitchell). Mr Gibson wrote that he had heard that Newsnight was working on '*some sort of Jimmy Savile expose for a couple of weeks time*' and that this '*[m]ight need to be on [the] MRPL*'.<sup>56</sup> I have provided an explanation of the MRPL in Part One.

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<sup>53</sup> 11/210

<sup>54</sup> { 11/217 lines 11-15

<sup>55</sup> 11/217

<sup>56</sup> 12/033

32. On 11 November, in reply to Mr Gibson's e-mail,<sup>57</sup> Ms Beck said *'It is, thanks'*. So, as at 11 November, the Savile story was on the Newsnight MRPL. Ms Beck was not entirely sure when the Savile programme went on the MRPL. She considered that it is likely that it went on at the beginning of November at the request of Mr Rippon.<sup>58</sup>

#### **14 November: interview with [R1]**

33. Newsnight's interview with [R1] was scheduled for 14 November. That morning Mr Rippon e-mailed Mr Jones asking *'How are we getting on with corroboration re Savile? MWT [Mark Williams-Thomas] come up with anything?'*<sup>59</sup> By *'corroboration'* Mr Rippon was obviously referring to the police inquiry. Mr Jones told me that he regards the e-mail as referring simply to the question about whether there had been a police inquiry at all,<sup>60</sup> but his reply to Mr Rippon went further, mentioning that, of the *'perhaps dozen girls'* who Newsnight knew about, *'they all got [a] letter saying [the] CPS decided not to proceed against 'the gentleman' because he was too old and infirm'*.<sup>61</sup> Mr Rippon would therefore have had every reason to think that the police letter was going to materialise and that it would play an important role in Newsnight's Savile story. At this stage, no-one (including Mr Jones) appeared to have suggested otherwise.
34. The interview with [R1] was carried out by Ms MacKean. Mr Jones and Ms Livingston were present. Ms MacKean said that, following the interview, the team left *'in general agreement that her interview was very strong, and she herself was very credible'*.<sup>62</sup>
35. Ms MacKean also said in her interview, when asked how she judged [R1]'s credibility: *'Very high. She just seemed believable. She didn't pretend to remember things she couldn't remember ... she just radiated a woman who had had a hard life who was kind of cynical and didn't expect to be believed*

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<sup>57</sup> 12/033

<sup>58</sup> 10/001 – 10/002

<sup>59</sup> 12/034

<sup>60</sup> 11/149

<sup>61</sup> 12/035

<sup>62</sup> 10/074 paragraph 13

*necessarily but was telling her story. And I found her story compelling and I believed her*'.<sup>63</sup>

36. Mr Jones said the following: *'We all agreed afterwards that [R1]'s account of abuse by Savile was essentially credible despite all the difficulties she had gone through'*.<sup>64</sup>

### **The position after the [R1] interview**

37. It seems likely that the Newsnight team heard on 14 November that the BBC was planning to broadcast a Christmas special edition of 'Jim'll Fix It'. At some point in the next few days Mr Jones brought the existence of this planned programme to Mr Rippon's notice.
38. On 16 November, Ms MacKean sent an e-mail to Ms Livingston in which she said *'There's more enthusiasm for the story in the office, which is good'*.<sup>65</sup> When asked about this, Ms MacKean said that, after the interview with [R1], *'we would have marched into the office and very positively said "we've done a great interview"'*.<sup>66</sup> According to Ms MacKean this was said both to Mr Rippon and Ms Gibbons. She said *'it felt great, this is more of a goer now'*.<sup>67</sup>
39. It should be noted, however, that notwithstanding this progress, Ms MacKean accepted that the letter from the police was still *'an important part of the jigsaw'*<sup>68</sup> and an element of the story that needed to be bottomed out.
40. Mr Rippon gave us a different story. He did not accept that the interview increased his confidence in the strength of the story. He also said he had been *'slightly nervous'* about doing the interview at that time but that he had agreed to it because, he recalls, Mr Jones had described [R1] as *'flaky'*,<sup>69</sup> something which Mr Jones denied. Mr Rippon also told us he had been concerned that, if

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<sup>63</sup> 11/220 – 11/221

<sup>64</sup> 10/037 paragraph 6.6

<sup>65</sup> 12/036

<sup>66</sup> 11/218 – 11/219

<sup>67</sup> 11/219

<sup>68</sup> 11/219 line 13

<sup>69</sup> 11/348 – 11/349; 10/095 paragraph 7

the story eventually did not run, [R1] would have been put through a difficult experience (the interview) unnecessarily.<sup>70</sup>

41. After the interview, the investigation team continued its efforts to contact ex Duncroft residents. Ms Livingston was attempting to find out the identity of the girl alleged to have been the victim of 'G' (as he was referred to in the web memoir), which the team now knew to be a reference to Gary Glitter. This alleged incident had taken place on BBC premises after a show presented by Savile. [R1] had given the team a potential lead and Ms Livingston followed this up. Ms Livingston established that the programme in question was actually 'Clunk Click', a programme fronted by Savile but on which Gary Glitter had appeared.<sup>71</sup>

42. On 17 November Ms MacKean e-mailed Mr Jones and Ms Livingston to say she had now heard from six ex Duncroft residents but that '*None can help with cops unfortunately*'.<sup>72</sup> It is clear that the police line remained an important part of the investigation. Ms MacKean also said that one of the residents, [R3], had agreed to do an on-camera interview.

#### **18 to 22 November: Meeting Between Mr Rippon and Mr Mitchell; The Savile Story is Removed From The MRPL**

43. On 18 November Ms Beck sent Ms Gibbons the latest version of the MRPL for Newsnight.<sup>73</sup>

44. The list included an entry for '*Newsnight: Jimmy Saville [sic]*', described as '*Investigation by Liz McKean [sic]*'. The transmission date was '*TBC*' (as was the case for the four other Newsnight items on the list). The Executive Producer was listed as '*Peter Rippon*' and the grounds for risk were said to be '*Legal/taste*'.<sup>74</sup>

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<sup>70</sup> 11/349

<sup>71</sup> 12/038

<sup>72</sup> 12/037

<sup>73</sup> 12/040- 041

<sup>74</sup> 12/040- 041

45. On 21 November Ms Gibbons sent Ms Beck an updated list which included Savile and a number of further Newsnight stories (all of which had the transmission date as 'TBC').<sup>75</sup>

### **Savile Is Taken Off the MRPL**

46. At 9.41 a.m. on 22 November, Ms Beck replied to Ms Gibbons saying:

*'Just so you know... have taken Jimmy Saville [sic] off for now and will put back on when it's imminent. The document goes quite far – in Vision etc – and we thought it might be best to keep [it] off just for now.'*<sup>76</sup>

47. This is clearly significant, as is Ms Gibbons's reply:

*'okay – I know Peter and Steve talked about the Vision issues surrounding Saville [sic] so that sounds sensible.'*<sup>77</sup>

48. Both Mr Rippon and Mr Mitchell agreed that they had a conversation (most likely on 21 November, although Mr Mitchell could not remember the day on which this took place) at which *'the Vision issues'* (along with other elements of the investigation) were discussed.<sup>78</sup>

49. Mr Rippon was clear that the question of whether the Savile story should be on the MRPL was not discussed during that conversation.<sup>79</sup> According to Mr Rippon, he and Mr Mitchell did discuss the possible implications of the Savile investigation on the BBC's plan for Christmas Savile tribute programming (which had now been made public) and Mr Mitchell told him that he should not concern himself with any of those wider issues in deciding whether to run the Savile story:

*'He said – and this is why I can remember it quite clearly - ... 'well that's not an issue for you. You need to just follow the evidence on your story', because that's one of the things – one of the things I think is great about the BBC and why I have enjoyed working there for so many years, is that we in news can make those judgments so boldly. So it stuck in my mind because it was a reminder to me why I think the BBC is a fantastic institution.'*<sup>80</sup>

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<sup>75</sup> 12/044 – 12/045

<sup>76</sup> 12/044

<sup>77</sup> 12/044

<sup>78</sup> 11/345 – 11/347; 11/245 – 11/250; 11/379 – 11/281

<sup>79</sup> 11/345 – 11/347; 11/375

<sup>80</sup> 11/350



50. Mr Mitchell said (as was a common feature of his evidence) that he could remember virtually nothing of this meeting.<sup>81</sup> I found the frequency with which Mr Mitchell's memory failed him surprising. He was exceptionally vague as to whether Christmas tribute programmes had even been discussed in that conversation.<sup>82</sup> Indeed, he told me that he did not know what any 'Vision issues' might be.<sup>83</sup> Mr Mitchell merely says in his statement: *'At this stage Peter may have mentioned the fact that any revelations about Savile might have a reputational effect on the BBC given his role as a BBC star talent'*.<sup>84</sup> Mr Mitchell was pressed in the hope that he might recall some more details of what was an important conversation. He told me that he could not.<sup>85</sup> However, I am sure that that meeting took place.
51. What is however, clear and undisputed (and accepted by Mr Mitchell) is that, after this meeting, Mr Mitchell decided to take the Savile story off the MRPL. Mr Rippon says (and I accept) that he was not party to that decision.<sup>86</sup> Mr Rippon also told us that he believed he had satisfied his wider responsibilities by raising with his line manager, Mr Mitchell, the potential impact of the Newsnight Savile story on the wider BBC.<sup>87</sup> Again, I accept that.
52. It is clear that Mr Mitchell's decision to remove the Savile story from the MRPL is critical and it was important to establish why he had done this. Very unfortunately, he could offer no convincing reason.
53. He suggested two possible grounds for his decision (while always maintaining that he could not remember why he had done this):
54. First, he suggested that the risk of reputational harm to the BBC was not a relevant risk for the MRPL.<sup>88</sup> This is plainly wrong, as is clear from my discussion of the MRPL in Part One of this Report. There were many stories on the MRPL at the time whose risk was mainly or even solely to the BBC's

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<sup>81</sup> 11/245 – 11/250

<sup>82</sup> 11/243 – 11/244; 11/245 – 11/248

<sup>83</sup> 11/247 lines 9-10, 13

<sup>84</sup> 10/086 paragraph 6

<sup>85</sup> 11/245 – 11/250

<sup>86</sup> 11/342 – 11/343

<sup>87</sup> 11/344 – 11/345

<sup>88</sup> 11/238 – 11/239

own reputation. Ms Boaden, David Jordan, George Entwistle, Mark Thompson and Lord Patten all agreed that reputational risk was a very relevant factor for a story's inclusion on the MRPL.<sup>89</sup> Indeed, Ms Boaden agreed that the Savile story would amount to a paradigm case for inclusion on the MRPL.<sup>90</sup> What she told the Review about the MRPL, its function and the criteria for inclusion was considerably more convincing than Mr Mitchell's account. It was also more logical: if a story is likely to cause harm to the BBC's reputation it is plainly important that the wider BBC should know about it and the MRPL is designed specifically for that purpose.

55. Second, Mr Mitchell suggested that it had been too early for the Savile story to be on the list.<sup>91</sup> However, this too was unconvincing. The suggestion was clearly inconsistent with many other projects that were on the MRPL despite being several months away from transmission. Moreover, as I noted in Part I, the ESB's description of the MRPL expressly includes programmes to be transmitted within the 'coming three months'.
56. Ms Boaden agreed that the decision to take the Savile story off the MRPL did not make any sense.<sup>92</sup> She said she could not account for the decision, which she said '[didn't] *add up*'.<sup>93</sup> Lord Patten described the decision as '*extraordinary*'.<sup>94</sup>
57. What makes Mr Mitchell's removal of the Savile story from the list even harder to understand is that, as discussed in detail below, just a day or two later (probably on 23 November) in a meeting with his line manager, Ms Boaden, he suggested to her that she should tell Mr Entwistle, the Director of Vision, about the Savile story on the grounds that, if it went ahead, Mr Entwistle would need to change his Christmas schedules so as to drop any Savile tribute programmes.<sup>95</sup> That seems to reinforce the probability that '*the Vision issues*'

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<sup>89</sup> 11/456 – 11/461; 11/327 – 11/329; 11/001 – 11/005; 11/199; 11/072

<sup>90</sup> 11/013

<sup>91</sup> 11/240 – 11/242

<sup>92</sup> 11/008 – 11/013

<sup>93</sup> 11/013

<sup>94</sup> 11/328 lines 5-6

<sup>95</sup> 11/016 – 11/018; 11/282 – 11/285

discussed between Mr Rippon and Mr Mitchell were concerned with the Christmas tribute programmes.

58. My conclusions on these issues are:-

- During the meeting on 21 November, I believe that Mr Rippon and Mr Mitchell discussed the Christmas tributes programme. This is what Mr Rippon remembers<sup>96</sup> and Mr Mitchell said nothing to counter that. During that meeting, Mr Mitchell properly told Mr Rippon that the existence of the tribute programmes was irrelevant to Mr Rippon's editorial decision.<sup>97</sup> In particular, I do not conclude that, during this meeting, Mr Mitchell put any pressure on Mr Rippon not to run the Newsnight programme.
- Mr Mitchell's decision to remove the Savile programme from the MRPL was a serious mistake on his part, for which he has not been able to provide any credible explanation. His motivation for doing so is unclear, but I can only conclude (unfortunately without any real help from Mr Mitchell on this point) that he did so because of a misconceived notion that the programme was potentially so sensitive that it should not appear on the list (but that Mr Entwistle should instead be verbally warned about the risk by Ms Boaden).
- While what would have happened had the Savile programme been on the MRPL (as, in my view, it should have been) cannot be predicted with certainty, I do think that, had it been on the MRPL, some of the issues which have followed might well have been avoided. At the very least, that would have opened the door for appropriate conversations among senior BBC management about the nature of the Newsnight investigation and the ability to reach an informed decision at Vision about the tribute programmes. As Mr Jordan pragmatically put it:-

*'So it would have been perfectly possible for News to have put this on to the Managed Risk Programme List in a disguised form which I would have known about, the Director of News would have known about, and the relevant people who were managing the risk would have known about without its nature being revealed to the*

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<sup>96</sup> 10/095 paragraph 10

<sup>97</sup> 10/095 paragraph 10

*rest of the organisation...the critical thing would have been that the individuals who are managing the risk associated with that programme would know what it was and would know that the risks were being managed. This list is about that, it is about making sure that happens.'*<sup>98</sup>

59. While I view this omission as highly significant, it is important for me to state that Mr Mitchell was not helped by the fact that, as I discussed in Part I, the BBC does not have any written guidelines which might have assisted Mr Mitchell in coming to his decision as to whether the Newsnight programme should be included in the MRPL. As I commented in Part I, this surprised me, particularly when one bears in mind that this very matter was highlighted in the Wyatt Report. As a consequence, one of my recommendations (see Part 2) is that appropriate written guidelines be drawn up and put into practice as soon as possible.

#### **18 to 24 November: the story progresses; meetings involving Helen Boaden**

60. The investigation was making good progress. Archive videos of 'Clunk Click' were viewed to try to firm up the Gary Glitter angle. This work paid off and, on 24 November, Ms Livingston was able to identify the possible victim of abuse by Glitter on BBC premises.<sup>99</sup>
61. Mr Jones e-mailed Mr Williams-Thomas on 19 November. He referred to efforts being made *'to get one of the Duncroft girls to find their letters'*.<sup>100</sup> He went on to say *'Most of them think they were interviewed in about 2009... and that about a year after they were interviewed they received a letter (not naming Savile) saying the individual had been interviewed but that CPS had decided not to pursue the case because he was old and infirm'*. Despite Mr Jones's claims to the contrary,<sup>101</sup> I believe it is clear that this was still regarded by him and his colleagues on the investigations team as an important element of the story. Indeed, Mr Jones added *'We're still hoping to get one of the police/CPS letters which would make this all a lot easier'*.<sup>102</sup>

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<sup>98</sup> 11/200 line 18 – 11/201 line 8

<sup>99</sup> 12/050

<sup>100</sup> 12/042

<sup>101</sup> 11/143 – 11/144

<sup>102</sup> 12/042

62. In another e-mail to Mr Williams-Thomas, on 22 November, Mr Jones offered some candid observations about the ex Duncroft residents. He said that while ‘most’ were intelligent, ‘most’ were also ‘*emotionally damaged*’ with a ‘*criminal background*’ as well as being ‘*suspicious... extremely manipulative [and] difficult to deal with*’.<sup>103</sup> In his evidence Mr Jones rather played down this description of the residents.<sup>104</sup>
63. On 21 November Mr Rippon met informally with Ms Boaden and the Savile story was discussed.<sup>105</sup>
- Ms Boaden told us that this was the first time she became aware of the Savile story. Unlike Mr Rippon, she does not think that the Christmas tribute programmes were discussed (or, indeed that she was aware of them at the time).<sup>106</sup>
  - Mr Rippon told Ms Boaden that the allegations involved sexual abuse of underage girls by Savile.<sup>107</sup> She was not told that there were any allegations of abuse on BBC premises.
  - Ms Boaden did not consider that Mr Rippon’s attitude to the story was ‘lukewarm’.<sup>108</sup> She got the impression that he was interested in the story but was aware of the difficulties in proving it because the allegations were old.<sup>109</sup>
  - Mr Rippon asked Ms Boaden if it was a problem that the story would embarrass the BBC.<sup>110</sup> She said that it was not and that the BBC must always do journalism about the BBC as if it was a separate institution.<sup>111</sup>
  - Ms Boaden said the potential issue of ‘*taste*’ was not critical. What was critical, she said, was that ‘*because Jimmy Savile was dead that was not a reason for lowering what she regarded as BBC editorial standards*’.<sup>112</sup> Mr Rippon does not recall Ms Boaden suggesting,

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<sup>103</sup> 12/046 – 12/047

<sup>104</sup> 11/149 – 11/153

<sup>105</sup> 10/096 paragraph 11

<sup>106</sup> 11/015; 11/351

<sup>107</sup> 11/007

<sup>108</sup> 11/027

<sup>109</sup> 11/027 lines 17-19

<sup>110</sup> 11/027 lines 7-9

<sup>111</sup> 11/006-11/007

<sup>112</sup> 11/007 lines 21-23

however, that the evidence standard needed to be as high as if Savile was still alive (and therefore able to sue).<sup>113</sup>

64. Ms Boaden was asked about an account that she supposedly gave to Peter Horrocks, the BBC's Director of Global News, that she might possibly have been too forceful in putting her views to Mr Rippon. Ms Boaden was reported to have said words to the effect of:

*'It was possible for him to have interpreted as an instruction or a very strong recommendation in terms of an editorial course of action'.<sup>114</sup>*

65. This was referred to on the 'Panorama' programme of 22 October 2012. Ms Boaden's view on this was:

*'Until the Panorama was being made, it had never occurred to me that my conversation with Peter (Rippon) had had any significant... bearing on anything. It was only when that narrative emerged and this narrative of the handbrake turn that immediately I started to think: was it something I did? Because anybody with a conscience would look into their heart and think "Have I inadvertently made a difference?" And what I was sharing with Peter (Horrocks) was not "I think I said it too strongly" but "The worry is that I may have said it too strongly"'.<sup>115</sup>*

66. Ms Boaden was asked whether the gist of her conversation with Mr Rippon had been that, despite the fact that Savile was dead, normal journalistic rules should be observed. She replied:

*'That's exactly what it was about. And the usual rules apply and they are tricky because of the 30-year issue, the fact these allegations go back a long time. ... you have one person's word against another. You have... an individual who is dead so who can't answer back. And therefore the idea of credibility and care was really what I was getting over too'.*

*'I have to say, I don't think it was a very forceful conversation. I think it was a rather banal conversation, but clearly I was, you know, challenging myself because that's really what you have to do if you are in my job'.<sup>116</sup>*

67. Ms Boaden agreed with Mr Rippon's (much shorter) written account. He described it as follows:

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<sup>113</sup> 11/414-11/415

<sup>114</sup> 11/138-139

<sup>115</sup> 11/030

<sup>116</sup> 11/030-11/031

*'It was an ad hoc meeting in my office as part of a wider discussion about a number of issues ... I cannot recall the level of detail I set out the story to her ... Savile's funeral was still fresh in the memory and I can recall us discussing the need to make sure that anything we put on air would stand up to the intense scrutiny it would get because of huge numbers of our audiences who revered and were still mourning him. We agreed on this point. It has been reported that [Ms Boaden] said in this meeting that the evidence threshold needed to be as high as if he were alive and able to sue. She did not say this and I am confident I would have remembered if she had ... [t]he potential scheduling issues for Vision were raised on the same terms as they were with [Mr Mitchell]. I cannot remember if it was by me or her. I can recall her very clearly telling me to be guided by the evidence only and that the implications for other parts of the BBC were irrelevant'.*<sup>117</sup>

68. Mr Rippon was asked about his discussion of the 'Vision issues' with Ms Boaden. Mr Rippon remembered in particular Ms Boaden *'saying very, very firmly, "Don't worry about anything to do with Vision, follow the evidence and make the judgement on the evidence"'*.<sup>118</sup> In terms of the substance of the story, Mr Rippon told me that all he could remember her talking about was the funeral and the 'climate' in which he would be making his judgment. He says he agreed with her assessment that these factors meant the story needed to reach a *'reasonable threshold of certainty'*.<sup>119</sup>

When asked if Ms Boaden's warnings felt like she was firing a *'warning shot across [his] bow'*, Mr Rippon was clear that it did not.<sup>120</sup>

69. There is a different recollection between Ms Boaden and Mr Rippon about whether the 'Vision' issues were actually discussed. However, if they were discussed, it appears that the same message as had properly been given by Mr Mitchell to Mr Rippon on 21 November, to the effect that any such issues were irrelevant and the BBC must always do journalism about the BBC as if it were a separate institution, was given by Ms Boaden. My conclusion on this conversation, as a result, is that it appears to have been no more than a sensible conversation between colleagues in which Ms Boaden fairly and perhaps forcefully expressed her views in a decisive manner, as would be expected from someone in her position.

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<sup>117</sup> 10/096 paragraph 11; 11/032

<sup>118</sup> 11/352 lines 4-12

<sup>119</sup> 11/352 lines 17-25

<sup>120</sup> 11/352 line 17

70. Two days later, on 23 November, Ms Boaden spoke with Mr Mitchell. Ms Boaden gave her account of this conversation in her interview:

- She did not get the impression that the CPS ‘old and infirm’ angle was a ‘key’ part of the story,<sup>121</sup> nor did Mr Mitchell refer to allegations of abuse taking place on BBC premises.<sup>122</sup> Mr Mitchell had seemed interested in ‘*the approved school angle*’.<sup>123</sup>
- She was not aware at the time that Mr Jones’s aunt was the Head of Duncroft, nor that he had been considering the story for some time while Savile was alive. She said that she would have been ‘*quite concerned*’ about such a personal involvement or emotional connection.<sup>124</sup>
- Mr Mitchell referred to the tribute programmes and said that Ms Boaden ought to alert Mr Entwistle to the Newsnight investigation as a ‘*kindness to George to tip him off early because he would have to change the (Christmas) schedule if the investigation went ahead as we thought it would. And he could start thinking about that earlier rather than later*’. Ms Boaden regarded this as ‘*perfectly sensible*’.<sup>125</sup>

71. At his first interview, Mr Mitchell was vague on what had been discussed in this meeting,<sup>126</sup> but at his second interview, he broadly agreed with Ms Boaden’s account, save that he thought that informing Mr Entwistle was necessary not just as a ‘kindness’, but because this was a ‘management role’.<sup>127</sup>

## **25 November – the story gets a boost: Surrey police confirm the investigation of Savile**

72. On 25 November Mr Williams-Thomas told Mr Jones that Surrey Police had confirmed to him, off the record, that they had indeed investigated Savile. That was a big step forward. First, it was confirmation that the police had taken the

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<sup>121</sup> 11/028

<sup>122</sup> 11/022 – 11/023

<sup>123</sup> 11/024

<sup>124</sup> 11/025

<sup>125</sup> 11/016 – 11/017

<sup>126</sup> 11/350 – 11/251

<sup>127</sup> 11/282 – 11/284



allegations seriously enough to mount an investigation. Second, it demonstrated that those residents who said they had been spoken to by the police had indeed done so. It reinforced their credibility.

73. Mr Jones immediately passed the news on to Mr Rippon:

*'Off the record Surrey Police have now confirmed that they did investigate Jimmy Savile about sexual abuse of minors and that they interviewed the girls from Duncroft as part of that inquiry. The Head of the Paedophile unit is now going to dig out the files and hopefully tell us more on Monday.'*<sup>128</sup>

74. Mr Rippon replied a few minutes later stating simply:

*'Excellent. We can then pull together the tx (transmission) plan'*.<sup>129</sup> Mr Rippon agreed that it was 'all systems go' from 25 November'.<sup>130</sup>

75. For Mr Jones this was the big breakthrough and the next steps should have followed quickly. A transmission date would be fixed, editing booked and *'it's a real thing ... you are pulling everything together now'*.<sup>131</sup>

76. In Mr Jones's view, the story stood up at that point and Newsnight had enough evidence. He said *'So far as I'm concerned we're basically over the line now'*.<sup>132</sup>

77. Mr Jones told me that, after 25 November, he was not interested in trying to track down the police letter.<sup>133</sup> However, that remains difficult to accept. The team continued to pursue the police line and the appearance of a letter confirming that no action had been taken against Savile because of his age would undoubtedly have made the story materially stronger. Mr Jones must have appreciated that.

78. Mr Rippon sought to downplay the enthusiasm evident in his e-mail of 25 November. He said that he responded quickly and on a Friday when he was out of the office. However, his attempt to downplay his enthusiasm is equally difficult to accept. The email shows that he was neither unenthusiastic nor

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<sup>128</sup> 12/051

<sup>129</sup> 12/052

<sup>130</sup> 11/353

<sup>131</sup> 11/147

<sup>132</sup> 11/157

<sup>133</sup> 11/157 lines 15-19

hesitant about the story. In his interview, Mr Rippon agreed that the development on 25 November ‘*made it much more likely that the story that he had outlined to me much earlier was going to come together.*’<sup>134</sup>

79. Mr Jones replied to Mr Rippon informing him that he was hoping to interview a ‘*second victim*’ the next working day and suggested that transmission during the week of 5 December was still possible.<sup>135</sup>

## **27 November: Mr Jones writes the lead-in**

80. On 27 November Mr Jones drafted a version of the ‘cue’, the lead-in that would be read by the presenter just before the filmed story was played out on the programme. This was:

*‘When Sir Jimmy Savile died in October, Prince Charles led the tributes to a national treasure. But there was a darker side to the star of Jim’ll Fix it. Newsnight has learnt that he was investigated by police for sexual assaults on minors but the crown prosecution service decided in 2009? that he was too old and infirm to face trial. Now some of the girls who say they were assaulted by him in the 1970s when they were 13, 14 and 15 have talked to Newsnight. They say Savile was an evil man who should rot in hell and that his charity work gave him cover to get young girls. They even claim that some of the abuse took place after BBC recordings and involved other celebrity paedophiles who appeared on Savile’s shows such as Gary Glitter. Liz Mackean investigates ...’*<sup>136</sup>

81. The ‘cue’ is a good summary of how the team saw the potential story. The abuse allegations are prominent, as is a clear reference to the police investigation and to the point that ‘*Savile was too old and infirm to face trial*’. The allegation of abuse after BBC recordings also features. Shortly afterwards Ms Livingston suggested that the final sentence be re-worded so as to emphasise that abuse took place on BBC premises.<sup>137</sup>

## **28 November – further steps towards transmission**

82. On 28 November the team took further preparatory steps. Ms MacKean was engaged in writing a first draft of the script<sup>138</sup>. The script, in rough form, began with a reference to the public tributes and praise for Savile at the time of his

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<sup>134</sup> 11/354

<sup>135</sup> 12/053

<sup>136</sup> 12/055

<sup>137</sup> 12/030

<sup>138</sup> 12/057 – 12/061

death followed by a piece-to-camera ('PTC'), a short in vision statement setting out 'another side' to Savile. There was then to be a short extract from an interview with Mr Williams-Thomas in which he would apparently refer to the dropping of the police investigation, before the story developed with parts of the interview from [R1] and others.

83. Before the Review, Mr Jones played down the aspect of the story relating to the dropping of the criminal case against Savile, saying that a failure to deliver on that would not have weakened the story. However, the dropping of the case was still high up on the team's '*wish list*.' It would clearly have been enthusiastically incorporated if it had materialised.

### **29 November: Mr Jones works on the script; the 'Impact team' mobilises**

84. After receiving the draft script from Ms MacKean, Mr Jones worked on it. Early in Mr Jones' draft was a quote from an interview with Mr Williams-Thomas (although the interview had not yet been recorded it was clear what line it was anticipated he was going to take) in which he was expected to say '*but in 2009 the CPS decided that Savile was too old and infirm to face a trial and dropped the case – I have to say I don't think that is acceptable – and why was it all hushed up?*'<sup>139</sup> Mr Jones accepted that this story, with the CPS angle prominent near the start and talking of '*hushing up*' the abuse, was the story he was hoping to put out.<sup>140</sup>
85. The same day Mr Jones circulated the '*very rough*' draft script (ROUGHSAVILE) to Mr Rippon, Ms Gibbons and Roger Law (a BBC lawyer) as well as Ms MacKean and Ms Livingston.<sup>141</sup> The hoped-for quote from Mr Williams-Thomas was close to the start of the piece. At the end of the script Mr Jones envisaged a 'PTC DUNCROFT OR TVC [TELEVISION CENTRE] NOT SURE YET WITH ANY STATEMENT FROM POLICE OR CPS'. Thus the CPS angle (i.e. the dropping of the criminal investigation), at this stage anyway, figured strongly at the start and finish of the piece as well as in the cue.

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<sup>139</sup> 12/063

<sup>140</sup> 11/158 – 11/159

<sup>141</sup> 12/062 – 12/068

86. In evidence, Mr Jones did not accept that there was substantial emphasis on the police line. He was emphatic: *'That's completely untrue'*.<sup>142</sup> His position was that the allegations of abuse themselves were clearly the strongest line in the story and in the script. However, the dropping of the criminal case did play a more significant role in how the team envisaged the story than Mr Jones was willing to acknowledge.

87. Mr Rippon's statement indicates that he did not accept that this was sufficiently complete to properly be called a 'script'. He told us he was unimpressed with the work that had been done:

*'The first 'draft script' of the story was sent to me on 29<sup>th</sup> November. As well as being far from a complete document, with interviews we had not done, facts we had not established, and things we had not filmed, this script crystallised some key concerns I had about our investigation'*.<sup>143</sup>

88. On the same day, 29 November, the 'Impact' team started gathering information for the job of preparing versions of the Savile story to run on other BBC news outlets. Jo Mathys of the Impact team e-mailed Mr Rippon to say she had spoken to Mr Jones about the story. She was positive about the story saying: *'it is safe to assume there will be a huge amount of interest in the story, I would expect all domestic outlets to want versions'*.<sup>144</sup>

89. Mr Rippon replied *'I'll let you know what we can do when we know we have the story scheduled. I am guessing rolling out [won't] be too bad as have time and can control when we do it'*.<sup>145</sup> There was no suggestion from Mr Rippon that the story was unlikely to happen although he did not appear to regard the story as *'scheduled'* even though a transmission date of 7 December had apparently been proposed.<sup>146</sup>

90. That afternoon Ms Gibbons e-mailed Mr Rippon concerning the Savile story and asked him *'are you going to exec this?'*<sup>147</sup> meaning was he going to act as Executive Producer for the Savile film. Ms Gibbons generally had the

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<sup>142</sup> 11/160

<sup>143</sup> 10/096 paragraph 13

<sup>144</sup> 12/069

<sup>145</sup> 12/074

<sup>146</sup> This is referred to in emails by Ms MacKean: 12/056, and Mr Rippon: 12/071

<sup>147</sup> 12/070

Executive Producer role – in other words the senior editorial figure responsible for individual Newsnight films, although Mr Rippon would occasionally take on that role. Ms Gibbons's email appears to be little more than an attempt by her to make absolutely sure that she would not have anything to do with the Savile story in the final stages running up to transmission. Mr Rippon had been the story's Executive Producer since the outset and there was, in fact, no need for Ms Gibbons to send this email: that she did so reinforced her wish to stay away from the story. I discuss below the implications of the fact that Mr Rippon was not only carrying out an editorial role in relation to the Newsnight investigation, but was also its Executive Producer.

## **29 and 30 November: Mr Rippon's U-turn**

91. The events of 29 and 30 November are a key part of the story. On 29 November, the following emails were sent:

- Mr Rippon emailed Mr Mitchell at 1.19 p.m.;<sup>148</sup>
- Mr Mitchell emailed Mr Rippon at 1.37 p.m.;<sup>149</sup>
- Mr Rippon emailed Mr Mitchell at 1.50 p.m.;<sup>150</sup>
- Mr Rippon emailed Mr Mitchell at 7.30pm.<sup>151</sup>

92. Mr Rippon's email to Mr Mitchell of 1.19 p.m. said:

'Steve,

*We have made progress on the Saville [sic] story and now propose to tx on Weds 7th December.*

*We have spoken to 7 victims, 2 on tape, who say he molested and sexually assaulted them when they were under 14/15 including groping and oral sex. The woman [sic] were all at the Duncroft school for troubled kids.*

*We have also confirmed that Surrey Police carried out an extensive investigation into the allegations but in 2009 the CPS decided not to prosecute on the grounds that he was too old. So whilst the offences were a long time ago in the 70's, the police investigation is very recent.*

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<sup>148</sup> 12/071

<sup>149</sup> 12/072 – 12/073

<sup>150</sup> 12/072-12/073

<sup>151</sup> 12/097

*The women are credible and have no motive for speaking to us other than they want the truth to be known. The girls would be rewarded with trips to TVC to watch and be in the audience. We have archive of when they appeared on shows with Gary Glitter and Jonathan King, both convicted paedophiles, sometimes as well.*

*We also think Sky are chasing the story as well so we do not want to sit on it.*

*Are you around to talk through in more detail? ...*<sup>152</sup>

93. Mr Mitchell's reply at 1.37 p.m. was brief. He was on his way to Belfast, but could talk later. He asked two questions of his own: '*... you mentioned [the woman] who ran this place, found her? Do any of the victims say they approached staff?*'.<sup>153</sup>
94. Mr Rippon replied approximately fifteen minutes later, answering Mr Mitchell's questions and including in his email several cut and pasted sections from the draft script.<sup>154</sup> In his email of 7.30 p.m. to Mr Mitchell, Mr Rippon told Mr Mitchell that he would get a script to Mr Mitchell 'this time tomorrow' but said that he '*just need[ed] to iron out a few bits with Meirion first. He's interviewing a second victim on camera tomorrow*'.<sup>155</sup> Mr Rippon then provided further information about 'others chasing [the story]'.<sup>156</sup>
95. I have the following observations on these emails:
- Mr Rippon's email of 1.19 p.m.<sup>156</sup> is very positive about the Savile story. It is completely at odds with how Mr Rippon described his attitude to us at this point, as remaining in effect '*lukewarm*'<sup>157</sup>. In fact, his attitude at this stage seems to have been positive and enthusiastic.
  - Mr Rippon describes the Duncroft residents without qualification as '*credible*' and as having no motive for speaking to Newsnight '*other than they want the truth to be known*'. He said that '*we do not want to sit on [the story]*'.<sup>158</sup> It is clear from this that Mr Rippon was, when he

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<sup>152</sup> 12/071

<sup>153</sup> 12/072 – 12/073

<sup>154</sup> 12/072 – 12/073

<sup>155</sup> 12/097

<sup>156</sup> 12/071

<sup>157</sup> 11/358

<sup>158</sup> 12/071

sent this email, in a mode that can best be described as 'full steam ahead'.

- However, there are two mistakes in this email. Mr Rippon says that two victims have been interviewed on tape – only one had. He also says that the team had 'confirmed that Surrey Police carried out an extensive investigation into the allegations but in 2009 the CPS decided not to prosecute on the grounds that [Savile] was too old'. At that time, that fact had not been confirmed and was later confounded. However, I have no reason to proceed on a basis other than that this is what Mr Rippon believed to be the case when he sent this email;
- Mr Rippon's position in relation to this email before the Review was difficult to understand. Before this email was discussed in his interview, he told me that he had never formed the view that the women in question were credible<sup>159</sup> He appeared not to be aware of this email or to remember it. When the email was put to him during his interview, he attempted to explain it away by suggesting that in this email he was telling Mr Mitchell 'this is the strongest iteration of the story that we've got. Shall we have a discussion to see... what you think about it?'<sup>160</sup> – that is, to prompt an editorial debate with Mr Mitchell. However, he said, his real view was much less positive than was suggested by the email.<sup>161</sup> The Review interviewed Mr Rippon twice and we returned to this email during our second interview with him. His explanation did not change – Mr Rippon said he was effectively putting forward the strengths of the story as Mr Jones saw them, and that he did so as after he received the draft script he was 'engaging slightly more fully with the material I have and the judgment that I need to make, so I'm kind of exploring the editorial terrain as much as possible'.<sup>162</sup>
- I found his explanation very difficult to accept: it was completely inconsistent with the text of the email and, in addition, Mr Mitchell - the

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<sup>159</sup> 11/341

<sup>160</sup> 11/359

<sup>161</sup> 11/358 – 11/359

<sup>162</sup> 11/432 – 11/433

recipient of the email – offered no support for the notion that Mr Rippon’s comments were to be taken other than at face value.<sup>163</sup> He did not recognise that as a normal tool in editorial discussion and he did not think that Mr Rippon had followed that practice (at least with him) before. Put simply Mr Mitchell - entirely reasonably – took the 29 November email at face value. However, since his interviews with me, his lawyer has stated in correspondence that his explanation of the email provided at his interview is only a ‘possible explanation’. His lawyer also suggested – in my view entirely incorrectly – that what was said and what was not said [in Mr Rippon’s email] does not warrant the level of hindsight scrutiny to which it has inevitably been subjected through [my Review] process.

- Mr Rippon has indicated through his lawyers that he does not seek to advance ‘a positive case’ that the explanation he offered in his interview is correct. Especially in circumstances where neither Mr Rippon nor Mr Mitchell has any recollection of a conversation between them on 29 November, it is not surprising that I have spent some time puzzling over the email.
- As a result, I conclude that the email is to be given its natural meaning and that Mr Rippon meant what he said.

### **The conversation of 29 November 2011**

96. Mr Mitchell’s email of 1.37 p.m. said that he could call Mr Rippon later from Belfast.<sup>164</sup> None of the other emails that day or indeed later emails make it clear whether a telephone conversation did in fact take place. Mr Rippon told us that he ‘*probably did*’ talk to Mr Mitchell.<sup>165</sup> Mr Mitchell did not recollect if a conversation had taken place.<sup>166</sup> The inability of both Mr Rippon and Mr Mitchell to provide any recollection of whether they did or did not speak and, if so, what was said, was frustrating.

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<sup>163</sup> 11/252 – 11/253

<sup>164</sup> 11/072

<sup>165</sup> 11/434

<sup>166</sup> 11/254



97. The question of whether a telephone conversation took place between the two individuals is important because at 9.37 a.m. on 30 November, Mr Rippon sent the following email to Mr Jones:

*'Having pondered this overnight I think the key is whether we can establish the CPS did drop the case for the reasons the women say. That makes it a much better story. Our sources so far are just the women and a second hand briefing. Have we exhausted all chances of getting the letter?'*<sup>167</sup>

98. As an aside, I am aware that criticism has been directed at Mr Rippon for his use of the phrase '*just the women*' in this email. Having discussed this email with Mr Rippon, I am entirely satisfied that, by this, he meant no disrespect. I am satisfied that he simply meant that there was insufficient corroboration of the evidence.

99. Clearly, therefore, Mr Rippon's attitude to the story changed overnight and his email at 9.37 a.m. on 30 November established, for the first time 'a journalistic bar' the story would have to surmount if it was to be broadcast. Rather suddenly, establishing that the CPS did not prosecute Savile because he was old and infirm had become '*the key*'. Mr Rippon told us that while this element was not necessarily a '*deal breaker*' as other things may have occurred, that is clearly how it came to be seen by the Newsnight team and how, in practice, it worked out.<sup>168</sup>

100. Mr Rippon's statement to the Review sets out his thinking at this stage in the following terms:

*'The extent to which we had to rely on the testimony from [[R1]] was stark. She was the only victim in vision we had and would be the face of our allegations and I remained concerned about how well her testimony would stand up to the scrutiny it would get.*

*I was also concerned with the way we had collected the additional evidence from other victims and witnesses, The women were to remain anonymous. The interviews had all been done on the telephone. Some of them were done by a junior researcher who was with us on work experience who I had never worked with. I was also concerned that the evidence could potentially be undermined because some of the women had already discussed the claims amongst themselves via a social networking site. In my personal experience, the strongest testimony from victims of alleged child sexual abuse has to be collected individually, face to face, on neutral*

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<sup>167</sup> 12/077

<sup>168</sup> 11/363

*territory, with trained interviewers used to not asking leading questions. This was a long way from what we had done.*

*For these reasons I emailed Meirion on 30<sup>th</sup> November saying I wanted to pursue the CPS angle on the story to its end before finally deciding on publishing...'.<sup>169</sup>*

101. The text of Mr Rippon's email to Mr Jones on 30 November<sup>170</sup> is consistent with Mr Rippon having previously expressed reservations about the credibility of some of the women and about the non-appearance of the CPS letter. However, it was not consistent with his email the previous day to Mr Mitchell<sup>171</sup> which spoke in such positive terms about the story.
102. It is very difficult to draw clear conclusions on what happened. It seems to me, however, that there are three broad possibilities:
- Mr Rippon was in fact very keen on the story but something happened to change his mind overnight and that this was influenced by a conversation he had with Mr Mitchell.
  - Mr Rippon was very keen on the story but something happened to change his mind overnight, but that was not influenced by a conversation with Mr Mitchell but was as a result of his simply '*having pondered overnight...*' as his email on 30 November suggests.<sup>172</sup>
  - Although this is considerably less likely, Mr Rippon had, as he claimed, deliberately over stated the story in his email of 29 November<sup>173</sup> despite actually harbouring doubts as to whether it would stand up, and his email of 30 November to Mr Jones reflects the position that he had consistently held.
103. The best evidence I have is Mr Rippon's statement that a conversation '*probably did*' take place.<sup>174</sup> Although the evidence on this issue is unsatisfactory, relying upon what Mr Rippon says, I have reached the conclusion that a conversation in all likelihood did take place and that this

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<sup>169</sup> 10/096 – 10/097, paragraphs 14 - 16

<sup>170</sup> 12/077

<sup>171</sup> 12/071

<sup>172</sup> 412/077

<sup>173</sup> 12/071

<sup>174</sup> 11/434, line 18

conversation had an important influence on the view of the strength of the Newsnight investigation which Mr Rippon expressed the following day. This view reflected a dramatic shift in the position he had expressed on 29 November. However, I have no reason to believe that what Mr Mitchell said was inappropriate or that it was influenced by any wish on Mr Mitchell's part to protect the Savile tribute programmes. I deal with the MRPL above, but whatever the mistake of Mr Mitchell in that regard, he did take a step to cause Mr Entwistle, as Director of Vision, to be warned about the risk to the tribute programmes. Therefore, I conclude that it is very likely that what Mr Mitchell said influenced Mr Rippon but that this was motivated by Mr Mitchell's caution about the Savile story and his insistence on a proper and rigorous editorial process.

### **30 November: the team reacts to Mr Rippon's e-mail**

104. Mr Jones told us he was '*shaken*' by Mr Rippon's e-mail which came out of the blue.<sup>175</sup> He regarded it as '*bringing in a bar that hadn't been there before*'. His view was that there had been '*no real problems*' on the previous afternoon<sup>176</sup> and he '*found it bizarre that (Mr Rippon) should be trying to shift the editorial focus of the film in this way and at this late stage of development in circumstances where he had not even reviewed the material we had put together*'.<sup>177</sup> For Mr Jones this was '*unprecedented*'.<sup>178</sup>
105. Ms MacKean's evidence was similar. She told us that she had had no indication before 30 November that the story was in danger of not going ahead. For her part she considered that the 'old and infirm' angle was '*important, but not... the thing that would stop the story going ahead. Particularly given the fact that... we had more evidence than the CPS had to consider*'.<sup>179</sup> But for Ms MacKean this was the first time it had been set down

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<sup>175</sup> 11/164

<sup>176</sup> 11/164

<sup>177</sup> 10/044, paragraph 9.3

<sup>178</sup> 10/044, paragraph 9.3

<sup>179</sup> 11/222

in black and white that the CPS line was the ultimate test for the story going ahead.<sup>180</sup>

106. The 30 November e-mail prompted discussions and indeed arguments between Mr Rippon on one hand and Mr Jones and Ms MacKean on the other. Mr Jones was keen to point out that the arguments were civil – they were not violent rows and there was no ‘*shouting and screaming*’ on either side.<sup>181</sup> It seems clear to me, though, that by this stage relationships between Mr Rippon and his investigative team began to break down and that, as the debate continued in the following days, some personal animosity crept in. This, in my view, was extremely unfortunate and contributed to the difficulties experienced by the BBC over the following months.

107. None of the participants made any contemporaneous note of those discussions. The only contemporaneous evidence is a series of personal e-mails sent that day and later to friends by Ms MacKean, the first one on the morning of 30 November. She wrote to a friend at ITN:

*‘must tell you [the] story when we next speak: PR in an absolute spin... he’s already done the surrender gesture and told me and Mei: if the bosses aren’t happy (they won’t be) I can’t go to the wall on this one..’*<sup>182</sup>

108. Mr Jones told me:

- That he remembered Mr Rippon using ‘the surrender gesture’. He could not be certain that Mr Rippon had used the words ‘*if the bosses aren’t happy..*’ but he recalled him saying ‘*I can’t go to the wall on this one*’ which he took to mean that Mr Rippon was under pressure from his superiors. Mr Jones ‘*assumed at the time*’ that this was a reference to Mr Mitchell and Ms Boaden.<sup>183</sup>
- Mr Jones said both in his statement to us and in his interview that he told his editor that if the story was pulled the BBC would be accused of

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<sup>180</sup> 11/221A – 11/221B

<sup>181</sup> 11/165

<sup>182</sup> 12/078

<sup>183</sup> 11/165 – 11/166

a cover up to save the Christmas specials and protect the BBC's reputation.<sup>184</sup>

- According to Mr Jones, Mr Rippon did not say that his bosses had put any pressure on him to drop the story, although Mr Jones believed that was the clear implication.<sup>185</sup>
- Mr Jones did not ask whether Mr Rippon had spoken to anyone more senior about the story and Mr Rippon did not volunteer any information about that.<sup>186</sup>

109. Ms MacKean told me:

- She and Mr Jones had consistently told Mr Rippon that Newsnight had more evidence than the CPS could have been aware of and because of that it was wrong to regard the CPS line as '*the key*'. She said she was '*astonished*' that Mr Rippon did not seem to absorb this important point.<sup>187</sup>
- Referring to her private e-mail of 30 November she said she clearly recalled Mr Rippon's '*surrender gesture*' as well as the words '*if the bosses aren't happy I can't go to the wall on this one*' – by '*bosses*' she too assumed he meant Mr Mitchell and Ms Boaden. She agreed that the words in her e-mail '*they won't be*' (i.e. '*happy*') were hers rather than Mr Rippon's.<sup>188</sup>
- She told us her interpretation had not been that the bosses '*were breathing down his neck... just that he wasn't going to be challenging them if they had concerns*'. And that '*he wasn't willing to really push it. That he didn't want to cross them full stop*'.<sup>189</sup>

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<sup>184</sup> 11/167; 10/044 – 10/045 paragraph 9.4

<sup>185</sup> 11/167 – 11/168

<sup>186</sup> 11/167 – 11/168

<sup>187</sup> 11/222 – 11/223

<sup>188</sup> 11/223 – 11/224

<sup>189</sup> 11/224 – 11/225

110. It would appear that these conversations were followed by a further conversation between Mr Rippon and Ms MacKean, which prompted a further email from Ms MacKean to the same friend at ITN, in which she said:

*'PR's latest panic attack: "Liz, internally, this is a very long political chain"'*.<sup>190</sup>

111. Mr Rippon could not recall the conversation and, in particular, could not recall using the term '*long political chain*'.<sup>191</sup> Ms MacKean was sure that Mr Rippon had used the word '*political*' and she took that to mean something more than a '*BBC*' or '*managerial*' chain.<sup>192</sup> Her assumption at the time was that it was an indication that someone beyond the news division had been involved in the decision. Mr Rippon thought that, insofar as he used the word '*chain*', he would have been much more likely to have referred to a '*editorial chain*' and not a political one and any chain would have been no longer in the case of Savile than any other story.<sup>193</sup>

112. Only the three people involved in those discussions can know precisely what was said. Clearly, the relationship between Mr Jones and Ms MacKean on the one hand and Mr Rippon on the other was strained. It is difficult, however, to conclude that at least some of the statements recorded in the emails were not made by Mr Rippon: it would be illogical to suggest to the contrary. So, I think it must be likely that Mr Rippon did say that '*the bosses*' might not be happy and he did say words to the effect that he could not '*go to the wall on this one*' and he may well have made a reference to a '*chain*'. However, I have not concluded that any inappropriate managerial pressure influenced Mr Rippon's decision making process. Ms Boaden commented, in her interview, on these emails. She said: '*Well it has been known for editors to use bosses or editorial policy as arse-covering reasons when they actually want to make their own decision... that's how it reads to me*'.<sup>194</sup>

113. I clearly cannot be certain on this, but I do think that this is a likely explanation for whatever comments of this nature were made by Mr Rippon. On balance,

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<sup>190</sup> 12/079

<sup>191</sup> 11/360; 11/361 – 11/362

<sup>192</sup> 11/226 – 11/228

<sup>193</sup> 11/360; 11/361 – 11/362

<sup>194</sup> 11/029

I think that these comments were most probably made as a means of deflecting criticism from himself and making his conversations with an increasingly rebellious team more straightforward. While one can see why such an approach might be adopted, I do consider that it was inadvisable and that Mr Rippon, as an editor of a programme, should have been more prepared openly to defend the decision he had taken.

114. Two other relevant e-mails were sent that day. Mr Jones emailed himself at work a summary of the Savile story, which ran through the evidence trail. This included the following:

‘25 Nov

*Ex head of Surrey Police Paedophile unit confirms off record that police did investigate Savile and interviewed Duncroft girls but has subsequently moved to Northern Ireland HMIC so needs to check details. Still waiting for that.*<sup>195</sup>

Mr Jones's email to himself is indicative of the fact that arguments between Mr Rippon and the investigative team were starting and the fact that it had become much less likely that the story would run. Mr Jones plainly felt that the tide was turning against a story to which he was closely attached and he was immediately preparing to marshal his arguments.

115. Second, that afternoon Mr Jones e-mailed Ms MacKean with the latest (and as it turned out final) version of the script: ROUGHSAVILE5.doc. It followed the same structure as previous versions including a prominent mention of the CPS deciding that Savile was ‘*too old and infirm to face a trial*’.<sup>196</sup>

### **1 December: the ‘Red Flag’ email: Mr Rippon halts work on other elements of the story**

116. Early on 1 December Mr Jones wrote what he referred to as his ‘red flag e-mail’. However, he sent it only to himself (to his work and personal e-mail addresses) but to no-one else. It consisted of a detailed note setting out his

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<sup>195</sup> 12/080 – 12/081

<sup>196</sup> 12/082 – 12/089

thoughts on (i) why the story should run and (ii) the serious consequences for the BBC of not doing so.<sup>197</sup>

117. It is clear from the 'red flag e-mail' and from what Mr Jones' told the Review that he was (and remains) convinced that the evidence gathered by him and his fellow Newsnight investigators was more than strong enough to justify running the story. While I do consider that Mr Jones has played down the importance he gave to the 'old and infirm' letter, I accept – as the 'red flag e-mail' confirms – that Mr Jones felt the story (to which he was clearly closely attached) was strong enough to run and felt that the 'bar' put in place by Mr Rippon was illogical and unnecessary. Mr Jones offered a further thought in support of this view: The ITV 'Exposure' documentary about Savile in October 2012 relied on largely similar evidence to that gathered by Newsnight in November and December 2011 and not on the supposed 'old and infirm' letter.<sup>198</sup> It was, of course, a powerful programme that was regarded as having put forward convincing evidence of sexual abuse by Savile.

118. On the afternoon of 1 December, Mr Rippon e-mailed Mr Jones with the subject line 'Cops'. The message said '*assume still no word?*' and added

*'I think we should stop working on other elements until we know for sure what we are likely to get from them because we don't really have a strong enough story without it. I'll pull editing etc for now'.*<sup>199</sup>

119. After a brief reply from Mr Jones saying '*I don't think that's a good idea let's chat,*<sup>200</sup> Mr Jones and Mr Rippon did have a discussion, as follows:

- Mr Jones told us that he argued that the story was already '*incredibly strong*<sup>201</sup> and that Mr Rippon was putting up an '*artificial bar to prevent it getting on air*<sup>202</sup>. Mr Jones's view was that, even if the CPS had dropped the case, as the women believed, because Savile was old and frail, the CPS would be unlikely to say so now and expose themselves

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<sup>197</sup> 12/090 – 12/093

<sup>198</sup> 11/158 – 11/159

<sup>199</sup> 12/094

<sup>200</sup> 12/095

<sup>201</sup> 11/169

<sup>202</sup> 10/046 paragraph 11.4



to unnecessary criticism. In any case, he said, Newsnight already had a story which would make the front page of any British newspaper.<sup>203</sup>

- Mr Jones told us that he argued that Newsnight's evidence was now stronger than at the start of the investigation because they had informal confirmation that the police had taken the women's allegations seriously enough to pass a file to the CPS.<sup>204</sup>
- He also told us that he told Mr Rippon that the Newsnight team had more evidence than the police had, because [R1] (who had given an on the record interview) had never spoken to the police. Newsnight also had allegations of Gary Glitter's sexual abuse on BBC premises<sup>205</sup>

120. Mr Jones told us that he warned Mr Rippon that there would be allegations of a cover up in any event when the victims went to the press as Mr Jones thought was likely.<sup>206</sup>

121. Mr Jones told us that Mr Rippon said that Mr Jones should not have interviewed [R1] at such an early stage in the investigation: that may well have put her through a difficult experience unnecessarily if the story was dropped. He apparently suggested that such interviews should not be done until a firm decision had been made to broadcast. Mr Jones told us that he found this proposition absurd.<sup>207</sup>

122. Mr Jones said there were several conversations like this over the next few days, sometimes with Ms MacKean present. Mr Jones told us that he emphasised to Mr Rippon several of the dangers that he had set out in his private 'red flag e-mail'. Ms MacKean described similar conversations between her, Mr Jones and Mr Rippon.<sup>208</sup> She told us that she thought Mr Rippon was '*unresponsive*' to the arguments they were making.<sup>209</sup>

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<sup>203</sup> 10/046 paragraph 11.4  
<sup>204</sup> 10/046 paragraph 11.5  
<sup>205</sup> 10/046 paragraph 11.4  
<sup>206</sup> 10/046 paragraph 11.7  
<sup>207</sup> 10/046 paragraph 11.8  
<sup>208</sup> 10/076 paragraphs 26 - 27  
<sup>209</sup> 10/076 paragraph 28

123. Mr Rippon could not recall having any detailed conversation about the ‘red flag’ issues (he had, of course, not been sent the e-mail).<sup>210</sup> He felt that Mr Jones was pushing the story hard, like ‘a salesman’,<sup>211</sup> which had the effect of making Mr Rippon less rather than more inclined to run it.
124. It appears that Mr Rippon did cancel the editing that had been allocated to the Savile story. Later on 1 December Ms Gibbons e-mailed one of her colleagues about another Newsnight report, saying ‘We have spare editing now because of Jimmy.’<sup>212</sup>

## 2 December – the Women in Film and Television Awards lunch

125. On Friday 2 December, Mr Rippon, Mr Mitchell, Ms Boaden, Mr Entwistle and others attended an awards lunch organised by Women in Film and Television. Mr Entwistle, of course, was at that time the BBC’s Director of Vision. It will be recalled that Mr Mitchell had, on 23 November, suggested to Ms Boaden that it would be ‘a kindness to George’ to let him know the basic details of the Newsnight Savile investigation.<sup>213</sup>
126. Her evidence to us was as follows:

*‘The first time I saw GE (after my holiday) was at the Sky Women in TV and Film Awards on December 2<sup>nd</sup> 2011. After the lunch when most people had left the table I got him to one side when no one else was around and told him Newsnight were doing an investigation into JS and if it went ahead as planned, ‘you will definitely need to change the Christmas schedule’. To the best of my recollection he said something like “Thanks – keep me posted”. I cannot remember if I gave him any explicit detail about the subject of the investigation though it is probable I did mention it was about sex abuse’.*<sup>214</sup>

127. Mr Entwistle’s evidence to us (some of which was provided by his lawyers in the third person) was as follows:

*‘[Mr Entwistle] recalls that the conversation took place at the beginning [of the lunch] before they sat down for lunch. [Mr Entwistle] does not believe [Ms Boaden’s]*

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<sup>210</sup> 11/367

<sup>211</sup> 11/365; 11/368

<sup>212</sup> 12/096

<sup>213</sup> 11/016

<sup>214</sup> 10/006 paragraph 32

*recollection is correct [i.e. as to the stage of the lunch at which they spoke] but he distinctly remembers that he left the lunch early as he felt unwell.*<sup>215</sup>

*Helen came up to me and... mentioned the Savile investigation ... my recollection is that she was open-ended about whether or not anything would come of it. That was my recollection of that exchange’.*<sup>216</sup>

*‘So she didn’t say ‘We’re days away’ or ‘This is imminent and it is stood up and you need to know because we’re about to press the go button on it’. It felt much more like ‘Newsnight are looking at Savile and if anything comes of it ... if it stands up ... if it pans out ... then there may be implications for your Christmas Schedule’.*<sup>217</sup>

*‘The key message that [Mr Entwistle] took from the conversation was its conditionality; as far as he can recall [Ms Boaden] made it clear that the Savile investigation had not yet been stood up ... What [Mr Entwistle] took away from the conversation was that if something were to come of the investigation, [Ms Boaden] would come back to him’.*<sup>218</sup>

128. One initially puzzling aspect of this is why it took so long for Ms Boaden to raise this issue with Mr Entwistle, particularly as the purpose had been so that *‘George... could start thinking about that earlier rather than later’.*<sup>219</sup> The suggestion that this should be done had come from Mr Mitchell when he and Ms Boaden talked on 23 November and more than a week had passed before she actually spoke to Mr Entwistle about the issue. Ms Boaden’s explanation for this is that it was the first opportunity she had had to speak to him, having been away on holiday for a few days and then missed him at least twice when she called by his office<sup>220</sup>.

129. In her interview with us Ms Boaden said she genuinely could not remember how much detail she had given Mr Entwistle. *‘Common sense suggests that I said it was about underage sex or something similar. But because I can’t remember I think it is unfair to say that I can’.*<sup>221</sup> The purpose of her briefing was *‘to give him a heads up that this was coming, because at that point we absolutely thought it was and that he needed to think about... he’d got some*

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<sup>215</sup> 10/030 paragraph 2.6

<sup>216</sup> 11/073 – 11/074

<sup>217</sup> 11/074

<sup>218</sup> 10/029 – 10/030 paragraphs 2.1-2.2

<sup>219</sup> 11/016

<sup>220</sup> 10/006 paragraph 31

<sup>221</sup> 11/019

*chunks of the Christmas schedule he needed to think of alternative programming.*<sup>222</sup>

130. Ms Boaden was clear when she spoke to us that, at the time of her conversation with Mr Entwistle, she fully expected the Newsnight report to go ahead. Indeed, she had no reason to think otherwise as she had not been a party to Mr Rippon's sudden coolness towards the story in the previous couple of days.
131. It is rather strange, then, that on the following day, 3 December, Mr Mitchell e-mailed Mr Rippon about the Savile story saying: *'Not sure where you are with this? Helen told George E about it yesterday but said she didn't think anything would come of it?'*<sup>223</sup> This last point is, of course, entirely inconsistent with what Ms Boaden told us – namely that she had given Mr Entwistle the clear impression that the story was likely to be broadcast.
132. Unfortunately, Mr Mitchell, once again, was unable to provide any explanation for his email, although the lawyers advising Mr Entwistle were quick to rely upon this email to Mr Entwistle's advantage,<sup>224</sup> even though it did not exactly accord with what Mr Entwistle actually remembered about the conversation.<sup>225</sup>
133. Mr Entwistle told us that he did not take any action in response to Ms Boaden's warning.<sup>226</sup> If the purpose had been to give him an opportunity to put some plans in train for possible changes to the Christmas schedule, he didn't do so. Mr Entwistle said he did not even recall asking Ms Boaden what the Newsnight investigation was about.<sup>227</sup>
134. Mr Entwistle's evidence to us was similar to that which he gave to the House of Commons Media Select Committee. He repeated that he was aware,

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<sup>222</sup> 11/020 – 11/021

<sup>223</sup> 12/097

<sup>224</sup> 10/030 paragraph 2.3

<sup>225</sup> 11/073 – 11/074; 11/079 – 11/080

<sup>226</sup> 11/076

<sup>227</sup> 11/075 – 11/076

particularly as an ex News man, of the need not to be seen to be interfering in a News project.<sup>228</sup> Referring to Ms Boaden he said:

*'I think I would have wanted to show to Helen, as a peer, that I was very much alive to the notion of not sticking my nose into her business ...I would want to show to her that I was alive to the dangers and she could fairly expect me to be alive to the dangers given my background'.<sup>229</sup>*

135. He said his assumption was that if anything had come of the Newsnight story, Ms Boaden would have let him know so that the problem could be addressed between them, or would have let the Director General know so they could have discussed it with him. *'I think I was in a place which was "If Newsnight stand up their story then there is a corporate issue and if they do not stand up their story then there isn't a corporate issue"'.<sup>230</sup>*
136. My view is that Ms Boaden probably did give Mr Entwistle the general gist of the Newsnight investigation, i.e. that it involved allegations that Savile had been involved in sex abuse.
137. I have the following comments on this conversation:-
- Ms Boaden had been asked by Mr Mitchell to bring the Newsnight Savile investigation to the attention of Mr Entwistle.<sup>231</sup> She clearly tried to do this before the lunch on 2 December 2011, but it transpired that the lunch was the first opportunity for them to speak. She was, however, delivering an important message and, in my view, this was an inappropriate way to do so. It was too casual, too fleeting and left much uncertainty about the outcome.
  - Mr Entwistle was merely a recipient of information in this conversation. In my view, he was unnecessarily cautious and this meant that an opportunity was lost. It is surprising that, while presumably waiting to

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<sup>228</sup> 11/077 – 11/078

<sup>229</sup> 11/078

<sup>230</sup> 11/081

<sup>231</sup> 11/041

hear more from Ms Boaden, Mr Entwistle took no steps to review his Christmas Schedule.

## **5 December: confirmation from Surrey Police; conversation between Mr Rippon and Ms MacKean**

138. Although the Newsnight Savile story was not formally and finally dropped until 9 December, its chances of making it to air had been fading since Mr Rippon's e-mail to his team on the morning of 30 November.<sup>232</sup>
139. If that had not been the case then a development on 5 December would have provided a welcome boost. Surrey Police issued a formal statement confirming that they had investigated '*a historic allegation of indecent assault... alleged to have occurred at a children's home in Staines in the 1970s*'.<sup>233</sup> In response to a further question from Mr Jones they confirmed '*the case had been referred to the CPS and it was the CPS who decided not to take it any further*'.<sup>234</sup>
140. Conversations continued between the three main participants, Mr Rippon on one side and Mr Jones and Ms MacKean on the other. One specific conversation on 5 December should be noted.
141. Ms MacKean describes the conversation in her written account:

*'In the morning, Peter and I spoke in the production office. He told me he wished he'd never let Meirion talk him into running the story. I rehearsed the arguments, stressing that we had more than the police had. It made no difference and there seemed to be a gulf between us in the way we saw the story. Peter told me that the things had happened 40 years ago, adding that 'they weren't the youngest victims' and 'it wasn't the worst kind of abuse'. I was shocked to hear this, particularly given that I had spoken to the women and they had trusted me to tell their stories. I felt that I owed them and they deserved to be heard. I told Peter his attitude explained why abuse victims are so reluctant to come forward. I also reminded him the girls had been in care. I hoped this would register because he had been a big supporter of a series I'd done involving teenagers leaving the care system. At some point during the day I asked Peter if he had contacted the controller of BBC 1 (about the possible conflict between our programme and the Savile tributes) and he said he hadn't.*<sup>235</sup>

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<sup>232</sup> 12/077

<sup>233</sup> 12/098

<sup>234</sup> 12/098

<sup>235</sup> 10/077 paragraph 31

142. The following day Ms MacKean sent an e-mail to a friend (and former colleague):

*'My story with Meirion is terrifying the bosses. Basically, BBC1 is preparing a Jim'll Fix It special for Xmas. ... Having commissioned the story, Peter Rippon keeps saying he's lukewarm about it and is trying to kill it by making impossible editorial demands. When we rebut his points, he resorts to saying: well, it was forty years ago... the girls were teenagers, not too young... they weren't the worst kind of sexual offences etc. ...*

*Peter doesn't like to openly pull the story he commissioned, so he's hovering around looking tense'.<sup>236</sup>*

143. On 7 December Ms MacKean sent a similar e-mail to a colleague:

*...the JS story is a gathering storm....PR trying everything to kill it: 'I no longer think it's a newnight story....the girls were fourteen and fifteen – it's not the worst kind of abuse' etc etc<sup>237</sup>.*

144. Mr Rippon did not accept what Ms MacKean said in her emails when it was put to him during his interview. He said:

*'It's offensive and absurd. I was trying to do the story. So if I felt that why would I be trying to get the story on air?... it doesn't make sense. It is illogical that that would have been my view if I was trying to get the story on air.'*

*'I think it [the account in the e-mail] is outrageous. I can't recall this conversation and I'm trying to put the story on air. I think what Liz may misunderstand is that...in the same way that I write an e-mail to Stephen Mitchell presenting the strength of the story in order to provoke a conversation with him, with them I challenged the story, in order to provoke a conversation with them. You know, ultimately I absorb both views and then I make a judgment...that particular allegation about 'teenagers, not too young'... I was pursuing the story. So it is illogical that I would have...said that.... as I say, I can't recall that conversation, so it is quite difficult for me to...rebut it if I can't recall the detail of it'.<sup>238</sup>*

145. And later:

*'I wasn't trying to kill it...had the CPS confirmed the element of the story that Meirion said stood up within the early stages of us investigating it, or had the letter that the women had been promising...arrived, I would have been satisfied ... about doing the story'.<sup>239</sup>*

146. There is clearly a conflict between these two accounts which is difficult to resolve. In my view, this comes down to two points. First, was Mr Rippon

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<sup>236</sup> 12/099 – 12/100

<sup>237</sup> 12/101

<sup>238</sup> 11/369 – 11/370

<sup>239</sup> 11/372

genuinely trying to get the story on air at this stage or had he effectively already set his mind against it? Second, was he playing down the seriousness of Savile's alleged actions to diminish the value of the story?

147. I think it is clear that, at this stage, Mr Rippon would have broadcast the story if there was clear confirmation that the CPS had dropped the case against Savile because of his age. That could either have come through the appearance of the 'old and infirm' letter or by the CPS confirming that fact themselves. If that had happened I do not think Mr Rippon would have been able to resist the pressure to broadcast. Indeed, the story would have passed the threshold that he himself had set so he would have had no reason to oppose it, although he clearly had considerable other doubts too.

148. However, I also consider that Mr Rippon did make at least some of the comments (or, at least, comments similar to them) that Ms MacKean reports in her e-mails to friends. He might possibly have been debating the merits of the story to some extent but I think he was also in the process of producing his own justifications for the moment when – as seemed increasingly likely – the story was formally dropped.

149. In one of her e-mails, mentioned above, Ms MacKean also said:

'He [Mr Rippon] hasn't warned BBC1 about the story, so they're beavering away on the special oblivious. Liz G [Gibbons] has said to Meirion: 'I'm having nothing to do with this, I don't want to piss off Danny Cohen [Controller of BBC1]), it's down to Peter.'<sup>240</sup>

150. There is a potentially serious implication of this latter comment. It suggests that a desire not to upset the Controller of BBC1 (a figure associated with entertainment TV output rather than News) was a possible factor in considering the Savile story. In her evidence to us, Ms Gibbons very categorically denied having used the phrase about not wanting '*to piss off Danny Cohen*'<sup>241</sup> although the phrase '*I'm having nothing to do with this...*' would seem to accord with her own view of her attitude to the Savile story. As I explain, I do not conclude that the decision to pull the Newsnight Savile story

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<sup>240</sup> 12/100

<sup>241</sup> 11/127 – 11/128



was influenced by the fact that Savile tribute programmes were planned on the BBC.

#### **7 December: e-mail from Helen Deller to Mr Rippon**

151. On 7 December, Helen Deller from the BBC Press Office e-mailed Mr Rippon and members of the investigations team about the Savile story.<sup>242</sup> She had been reminded by a conversation with Ms MacKean that the story was in the pipeline and set out her thoughts on how to manage press interest and ensure that the story got proper coverage.
152. Mr Rippon replied *'We are putting the cart way before the horse here. We have been looking into the story but it is far from clear it will ever be strong enough for us even to run it. At the moment I am not satisfied that it is'*.<sup>243</sup> This reply was consistent with the editorial 'bar' that Mr Rippon had set but in my view the tone of the email gave a clear impression that the story was extremely unlikely to run.
153. Seeing this e-mail, Mr Jones expressed his frustration in an e-mail to a friend the same day:
- 'Meanwhile I'm dealing with a BBC which doesn't want to put out a piece about Jimmy Savile being investigated by police about sexual offences against 13, 14 [and] 15 year olds including interviews with victims because it might damage the audience for the Jim'll Fix It Christmas Special. At the moment my opinion of BBC management is... well not quite as high as it usually is shall we say.'*<sup>244</sup>
154. A second e-mail from Mr Jones to another friend offered similar sentiments:
- '..for some reason BBC bosses think it [the Newsnight investigation] might wreck their Jim'll Fix It Christmas Special so they're trying to block it without sending an e-mail saying 'cover it up''.*<sup>245</sup>
155. Despite the strength of the allegation in Mr Jones's emails, he accepted in his testimony to us that he had no evidence to support his view that the Savile investigation had been dropped to protect the Savile Christmas tribute

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<sup>242</sup> 12/105 – 12/106

<sup>243</sup> 12/105

<sup>244</sup> 12/108

<sup>245</sup> 12/109 – 12/110

programmes<sup>246</sup>. His view was that the decision was so illogical there could be no other explanation. I do not agree with that view.

156. At 5:26pm on 7 December, Mr Rippon sent Mr Jones an e-mail asking

*'What is the latest....did the CPS get back?...There is a limit to how much time it is sensible to continue chasing this.'*<sup>247</sup>

157. Mr Jones replied:

*... still waiting for CPS...As you know I already think story is strong enough – and danger of not running it is substantial damage to BBC reputation – but no point having that discussion until I have final word from CPS'*<sup>248</sup>

158. This exchange provides a snapshot of the state of mind of both Mr Rippon and Mr Jones at this stage. Mr Rippon does not sound like a man who is waiting (and hoping) for the last piece of the jigsaw to fall into place so he could run the story. On the contrary, he seemed to be keen to see the back of the story. Mr Jones' e-mail makes it clear he was aware of his editor's resistance to the story in the face of his own strong support for it. His '*as you know*' suggests that he had already warned Mr Rippon of the potential for '*substantial damage to BBC reputation*' if the story was dropped. The two men seem to have been very far apart in their views.

## **8 December: 'Savile-gate'; further meeting involving Mr Mitchell**

159. The following day, Ms Gibbons e-mailed Ms Beck in Mr Mitchell's office about the MRPL. The Savile story remained off the MRPL and Ms Gibbons, referring tongue-in-cheek to 'Savile-gate', probably in view of the fact that the argument amongst the Newsnight team about the story was now widely known, told Ms Beck '*will keep Saville [sic] off [the MRPL] until we know for sure*'<sup>249</sup>.

160. Mr Rippon recalls around this time, possibly on 8 December, having a further meeting with Mr Mitchell. Mr Rippon says he told him that they were still

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<sup>246</sup> 11/170, line 23 – 11/171, line 5

<sup>247</sup> 12/103 – 12/104

<sup>248</sup> 12/107

<sup>249</sup> 12/111-112

pursuing the Savile story and the 'old and infirm' letter. He says Mr Mitchell's attitude was '*neutral*'.<sup>250</sup> It does not appear that this meeting was significant.

161. There was also a further meeting between Mr Mitchell and Mr Boaden, perhaps also on 8 December. Ms Boaden's evidence was that Mr Mitchell had told her that the Savile story had been '*re-nosed*', in other words that the main emphasis of it had been changed to focus on a different angle: the CPS/police investigation.<sup>251</sup> Ms Boaden did not get the impression from this meeting that the story was not going ahead.<sup>252</sup>

### **9 December: the CPS says it did not prosecute due to lack of evidence**

162. The story suffered its final and fatal blow on 9 December. The CPS provided Mr Jones with a statement:

'Following an investigation by [Surrey] Police, the CPS reviewing lawyer advised the police that no further action should be taken due to lack of evidence'.

163. The statement added:

'As this is the case, it would not be correct to say that his age and frailty was the reason for no further action being taken.'<sup>253</sup>

164. This was obviously highly significant. In Mr Rippon's eyes, of course, it meant the story fell below the bar he had set. It was clear he would not agree to run it. For the Newsnight investigators, although they still believed the story should be broadcast, there cannot have been any doubt that the CPS statement was a disappointment and a setback to the story.

165. Mr Jones immediately forwarded the CPS statement to Mr Rippon with the heading:

'*CPS SAY NOT ENOUGH EVIDENCE*'.<sup>254</sup>

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<sup>250</sup> 10/097 paragraph 20

<sup>251</sup> 10/006 paragraph 33; 11/026; 11/033 – 11/034

<sup>252</sup> 11/034

<sup>253</sup> 12/115

<sup>254</sup> 12/113

166. Mr Rippon and Mr Jones then spoke. It is clear that both men knew the story was not going to run. It would appear there was not much further debate, although Mr Jones told us: *'I said I still didn't understand how the BBC could show tributes to a man who they now knew had been investigated by the police as a paedophile and when we were in possession of an on-camera interview with one of his victims alleging a statutory rape on BBC premises by Gary Glitter as Savile watched.'*<sup>255</sup>
167. Mr Jones told us that his acceptance of the decision to drop the story was very reluctant. It was either that, he said, or *'leave the BBC'*.<sup>256</sup> A few minutes later Mr Rippon e-mailed Mr Mitchell to tell him the news and added *'As a result Meirion has accepted my view and agreed not to pursue anymore'*.<sup>257</sup> Mr Mitchell replied *'Fair enough'*.<sup>258</sup>
168. In his interviews with me, Mr Jones drew a significant distinction between the story being dropped for *'editorial reasons'* and *'journalistic reasons'*.<sup>259</sup> The former simply meant that a decision had been taken by the editor. The latter suggested that there was some journalistic logic to the decision. He made it clear that he believed that there was so little journalistic logic behind Mr Rippon's decision to drop the Savile story, that it could only have been motivated by pressure caused by the Christmas tribute programmes.<sup>260</sup> Mr Jones accepted that he had no evidence of that<sup>261</sup> but he was very clear that that was what he thought. I have no doubt that Mr Jones thought this, but, as I have already said, I do not agree with him.

## **12 December: final discussions; Ms MacKean tries again to find the police letter**

169. Around 12 December, Mr Mitchell told Ms Boaden that the story was not going to run because Mr Rippon could not substantiate it. Ms Boaden told us she

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<sup>255</sup> 10/051 paragraph 18.12  
<sup>256</sup> 10/051 paragraph 18.14  
<sup>257</sup> 12/114  
<sup>258</sup> 12/114  
<sup>259</sup> 11/194A, lines 1-8  
<sup>260</sup> 11/195 – 11/196  
<sup>261</sup> 11/195 line 3

did not ask why and that she would not have pushed for further details as she was working with an experienced editor whose judgement she trusted.<sup>262</sup>

170. On 12 December, Ms MacKean made one last effort to see if she could come up with the CPS letter. She e-mailed [R2] saying '*We've come up against a brick wall in our story*'.<sup>263</sup> She noted that the CPS statement contradicted what [R2] and others had told the investigative team and asked again for the letter which she described as the '*only [way to] get round this*'.<sup>264</sup>

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<sup>262</sup> 11/034

<sup>263</sup> 12/116

<sup>264</sup> 12/116

## **PART THREE: CHAPTER TWO: ADDITIONAL COMMENTARY ON THE INVESTIGATION AND THE DECISION NOT TO PURSUE IT**

### **THE DECISION TO DISCONTINUE THE INVESTIGATION**

1. In Chapter two of Part three, I deal with specific questions not addressed in Chapter one. I consider:
  - 1) What was the story?
  - 2) Did any inappropriate managerial pressure or consideration influence the decision of Mr Rippon not to run the Savile story?
  - 3) Why was the story not pursued after December 2011? Was Mr Rippon's decision to drop the story reasonable?
  - 4) Should material derived from the Savile investigation have been provided to the police/relevant authorities?

#### **What was the story?**

2. At the very start, the investigation was solely into abuse by Savile. That is clear beyond doubt: the Newsnight team did not know (or have any reason to know) at the time the investigation began – i.e. on 31 October 2011 - that the police had ever investigated Savile. So when Mr Jones pitched the story to his editor Mr Rippon that morning,<sup>265</sup> he was proposing an investigation into sexual abuse by Savile, not into any actions – or lack of them – by the police or the CPS.
3. However, by 3 November, in one of Ms Livingston's first contacts with an ex-Duncroft resident, she was told that the police had investigated Savile a few years earlier but that charges had not been pressed because of his age.<sup>266</sup>
4. There are four factors that persuade me that the Newsnight investigating team – Mr Jones, Ms MacKean and Ms Livingston – did consider the police letter important.

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<sup>265</sup> 10/035 paragraph 5.4; 12/011

<sup>266</sup> 12/017

- There is considerable evidence of the team's repeated efforts to confirm the police angle, in particular, the 'old and infirm' strand, by attempting to track down the police letter.
  - As discussed in more detail below, the 'old and infirm' strand of the police angle – the claim that the case had been dropped because of Savile's age – featured prominently in the draft lead-in for the story<sup>267</sup> and in the outline script itself.<sup>268</sup>
  - If the police letter existed in the form that had been suggested it would have strongly corroborated the women's evidence and might have raised the possibility of a police cover-up.
  - There was obviously a danger that the *absence* of any such letter could weaken the credibility that could be given to some of the women's accounts, bearing in mind that several of them said they had received such a letter.
5. From 3 November onwards, questions surrounding action (or inaction) by the police and CPS figured prominently in the investigation. A particular focus of the investigation was consistent efforts to track down the 'old and infirm' police/CPS letter that several of the women reported having received. The letter and the police/CPS angle were mentioned frequently in e-mails (and, it is fair to assume, figured frequently in discussions) within the investigation team and between them and Mr Rippon. That element of the story was not present at the very start of the investigation but there can be no doubt that it became a prominent element in it within the first few days. It eventually became the central reason why Mr Rippon says he dropped the story.
6. Mr Rippon stressed that this was an important part of the story for him and I accept that is the case. There is no reason to doubt Mr Rippon's position that the suggestion that a criminal investigation was dropped because of Savile's age – and that there was a letter to prove it – would have been a very strong element in his view of the story.

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<sup>267</sup> 12/055

<sup>268</sup> 12/057 – 12/061

7. Ms MacKean for the most part accepted that obtaining the police letter was important.<sup>269</sup> Ms Livingston helpfully provided a written account to the Review but did not respond to the Review's requests to attend for an interview. However, I do not consider that that caused me any difficulty. Her e-mails at the time suggest that she also recognised the importance of finding the police letter and devoted considerable time and effort to it.<sup>270</sup>
8. Mr Jones, however, takes a very different view. He consistently played down the importance of the police letter and maintained that tracking down the letter and confirming that the criminal case against Savile was dropped because of his age was never an important element of the story.<sup>271</sup>
9. As I explained above, I do not accept Mr Jones's account on this issue. It does not ring true and it is not borne out by the facts. An experienced journalist such as Mr Jones would have understood immediately the significance of this issue as his cue for the piece amply demonstrates.
10. It will be clear from the above that my conclusion is that the idea that Savile had not been prosecuted because he was 'old and infirm' was regarded by the team as an important part of the story and, in this regard, I accept Mr Rippon's evidence but I emphasise that that is not to say that the story could not have been broadcast without that element.

**Did any inappropriate managerial pressure or consideration influence the decision of Mr Rippon not to run the Savile story?**

11. The answer to this question is no. While there clearly were discussions about the Savile story between Mr Rippon and his managers, Mr Mitchell and Ms Boaden, I do not believe either of them exerted undue pressure on him.
12. Mr Rippon has told us that the decision to drop the Savile story was his, and his alone. I accept that the final decision was his. However, his decision was clearly influenced by his two managers.

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<sup>269</sup> 11/210

<sup>270</sup> For example: 12/048 - 049, 12/021

<sup>271</sup> 11/143 – 11/144; 11/154; 11/155 – 11/156 ; 10/045 paragraph 9.6



13. The first was Ms Boaden. This influence arose during her meeting with Mr Rippon on 21 November, which I have discussed above. During that conversation, Ms Boaden made it clear to Mr Rippon that the fact that Savile was dead was not a reason for lowering accepted editorial standards. The message she was clearly sending was that the bar should not be lowered: a message that I regard as reasonable.
14. We cannot be sure whether the 'Vision issues' (i.e. the fact that the Christmas Tribute programmes to Savile were planned) were discussed as such during this conversation. While it would have been helpful to have been able to reach a conclusion on that, both Ms Boaden and Mr Rippon left this conversation with the same recollection, in the sense that Ms Boaden had made it clear that the implications for other parts of the BBC from the Savile programme were irrelevant. I am satisfied that, in this conversation, no attempt was made to influence Mr Rippon not to run the story because of the planned Savile tribute programmes.
15. The second person who influenced Mr Rippon was Mr Mitchell, during the conversation which I have concluded the two of them must have had on 29 November. It may be convenient to recap on the conclusions I set out on this conversation above:-
16. The best evidence I have is Mr Rippon's statement that a conversation '*probably did*' take place.<sup>272</sup> Although the evidence on this issue is unsatisfactory, relying upon what Mr Rippon says, I have reached the conclusion that a conversation in all likelihood did take place and that this conversation had an important influence on the view of the strength of the Newsnight investigation which Mr Rippon expressed the following day. This view reflected a dramatic shift in the position he had expressed on 29 November. However, I have no reason to believe that what Mr Mitchell said was inappropriate or that it was influenced by any wish on Mr Mitchell's part to protect the Savile tribute programmes. I deal with the MRPL above, but whatever the mistake of Mr Mitchell in that regard, he did take a step to cause Mr Entwistle, as Director of Vision, to be warned about the risk to the tribute

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<sup>272</sup> 11/434, line 18

programmes. Therefore, I conclude that it is very likely that what Mr Mitchell said influenced Mr Rippon but that this was motivated by Mr Mitchell's caution about the Savile story and his insistence on a proper and rigorous editorial process.

**Why was the story not pursued after December 2011? Was Mr Rippon's decision to drop the story a reasonable one?**

17. In answering this question, it is absolutely essential of course that I deny myself the luxury of hindsight. In this case, of course, hindsight offers two dramatic and relevant lessons. One is that there is now what appears to be a very strong case that Jimmy Savile was a predatory paedophile. The other is that the Newsnight 'McAlpine' case demonstrates the catastrophic dangers of making allegations based on faulty evidence. As Mr Rippon said: *'I would say that one of the great things about being a reporter is that if you get your story on air you get great kudos for it, if you get your story on air and it is wrong, it is the editor's fault. I carry that burden....'*<sup>273</sup>
18. However, it has to be said clearly: There is no doubt in my mind that Mr Jones and Ms MacKean were right about Savile - their belief that he had a history of abusing young women was correct. They provided Newsnight with cogent evidence of this. The programme could have broken the story almost a year before the ITV documentary revealed it.
19. Mr Rippon's decision to drop the story was seriously flawed; he made a bad mistake in not examining the evidence properly.
20. It is important to note that Mr Rippon was not only Newsnight's Editor. He was the executive producer of the Savile investigation too, in other words he had assumed the hands-on role of supervising the piece before it went to air. There is no doubt in my mind that Mr Rippon should have viewed the interview with [R1] (or at least the key extracts from it) and read the notes of the interviews with the other Duncroft residents before making his decision. I have seen the full uncut interview with [R1] which lasts just under an hour. To

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<sup>273</sup> 11/373

me she seemed credible and compelling. The Newsnight investigators obviously thought so too. But the crucial opinion would have been Mr Rippon's. I cannot understand why he did not give himself that chance.

21. Mr Rippon told me: *'I don't think seeing the interview... seeing something with an eye... gives you any more help in making a judgement about whether something is true or not. I don't believe that, I really don't. I think the kind of concerns that I had, that I was weighing, would not have been swayed by having sat down and watched the interview'*.<sup>274</sup> I think this is a strange thing for a television news journalist and editor to say. Common sense and experience would surely suggest the opposite.
22. I believe Mr Rippon was wrong not to have viewed the [R1] interview for himself or to have looked in detail at the notes of other witnesses. But before pulling the plug on the story I accept that Mr Rippon had, to varying degrees at different times, doubts about the evidence that had been compiled. It was understandable for him to be concerned about the reliance on a single on-camera interview with one victim and the fact that some of the women had shared parts of their stories on Friends Reunited so might not be independently remembering events and for him to wonder about the fact that most of the off-camera interviews had been done by telephone rather than in person and initially by a relatively inexperienced researcher. But these doubts would have carried much more weight in my view if they had been accompanied by proper scrutiny of the evidence that had been gathered.
23. There was a further factor involved too. It is clear to me that the relationship between Mr Rippon and his investigation team had all but broken down. I accept that there were not screaming matches and open rows but, as it became obvious that the story was not going to run, an element of personal antagonism crept in. It comes across clearly in the personal e-mails sent by Mr Jones and Ms MacKean to their friends and in the exasperated way Mr Rippon describes, in particular, Mr Jones's methods of working. He thought Mr Jones was over-selling the story, literally *'like a salesman'* he told us, and was prematurely passing details of the investigation to other parts of the news

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<sup>274</sup>

department to try to build up an assumption that the story was going to go ahead.

24. In the days before the Savile investigation was finally halted, Mr Rippon had therefore, effectively, set his face against running the story. I find this particularly difficult to understand, given that he told me that, when the story was dropped, he '*was kind of 60/70 plus per cent confident that the testimony we had gathered was likely to be true*'.<sup>275</sup> The increasingly desperate efforts that Mr Jones and Ms MacKean were making to change his mind only had the effect of making it less rather than more likely that the story would run. In my view this goes quite long way to explain why the investigation was killed off altogether rather than allowed to continue to gather more evidence. Mr Rippon believed that the story had effectively been fatally undermined by the CPS announcement. He also told us that shortage of resources meant he could not afford to let his team devote any more time to it.<sup>276</sup> Mr Jones was not inclined to bang his head against this particular wall any further. He believed that Mr Rippon and the News department managers, Mr Mitchell and Ms Boaden, had all decided (improperly in his view) that the story would not run,<sup>277</sup> so he saw no point in pressing a case that he thought was doomed to failure.<sup>278</sup>

**Should material derived from the Savile investigation have been provided to the police/relevant authorities?**

25. I have taken advice on this issue from Reed Smith and from the barrister team.
26. The advice I have received is that no obligation arose, as a matter of criminal law, for the BBC or its employees to report and/or provide material or information obtained during the investigation to the police or other prosecuting authorities on a voluntary basis.
27. The background to this advice is, as I understand it, that, as the law does not generally impose criminal liability for a failure to act, there is no general

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<sup>275</sup> 11/371 lines 21-23

<sup>276</sup> 11/374 lines 12-13

<sup>277</sup> 10/051 paragraph 18.13

<sup>278</sup> 10/051 paragraph 18.14

offence committed by failing to report the committing of a crime and no general duty imposed by law or legal obligation to report the committing of a crime. In particular, there is no statutory offence of failing to disclose information or suspicions relating to the commission of sexual offences and any such failure is also not an offence under the common law.

28. I understand that there are a limited number of exceptions to the general proposition, for example under the Terrorism Act 2000, the Proceeds of Crime Act 2002 and the Road Traffic Act 1988. However, I am advised that none of those exceptions apply to the current situation.
29. However, I am also advised, and I conclude, that the evidence in question would probably have been of interest to the police and I believe that, sensibly, it should have been provided to the police.
30. The BBC had, from early November 2011, the following:-
  1. Direct evidence that Savile sexually abused girls of 14 to 15 years old, including on BBC premises;
  2. Evidence from an individual who is said to have witnessed Glitter having sexual intercourse with a girl of between 14 and 15 in Savile's dressing room on BBC premises (with a suggestion – later confirmed – that the identity of the woman abused by Glitter could be identified);
  3. Evidence suggesting possible criminal activity by Starr, also on BBC premises.
31. I am advised that, legally, as the events in question took place in the mid-1970s, this might give rise to offences within the Sexual Offences Act 1956 and the Indecency with Children Act 1960. Again, legally, this raised questions of rape, contrary to Section 1 of the 1956 Act, unlawful sexual intercourse with a girl under 13, contrary to Section 5 of the 1956 Act, unlawful sexual intercourse with girls between 13 and 16, contrary to Section 6 of the 1956 Act, indecent assault, contrary to Section 14 of the 1956 Act and indecency with a child, contrary to Section 1(1) of the 1960 Act.

32. The evidence against Savile clearly could not, after his death, give rise to his prosecution. However, in my view, that evidence might have been of interest to the police or relevant authorities as it might have given rise to other lines of enquiry, particularly in relation to other parties.
33. I am told that the evidence against Glitter and Starr (whether correct or not) gave rise to a suspicion that a criminal offences had been committed and, as a result, in my view, the answer to the question as to whether the evidence obtained might have been of interest to the police is yes.
34. I do not know why this evidence was not passed on: whether or not there was a legal obligation to do so, I would regard the BBC as an entity which should pass such information on whenever it receives and whether it arises from an investigation which proceeds or does not proceed. It has been suggested to me in interviews that there is no internal process for passing on such information. In my view, one of the lessons from this Review should be that such an appropriate formal process should be introduced by the BBC. This will accordingly be one of my recommendations.

## **PART FOUR - THE TRIBUTE PROGRAMMES**

### **Introduction**

1. In this part I discuss the actions taken by the BBC to commission and prepare the various tribute programmes about Savile in November and December 2011. I also look at the question whether the BBC should have cancelled those programmes in light of the investigation being carried out at the time by Newsnight and whether there were any failings of management in this regard.
2. My Review is not intended to examine in any detail the historic knowledge within the BBC about Savile's activities. That will be covered by Dame Janet Smith's Review. My Review has however seen some evidence that has a bearing on the state of knowledge within the BBC at the time that the tribute programmes were commissioned. I consider that evidence here, in so far as it is relevant to those tribute programmes.
3. As a preliminary remark, it was notable from the evidence that there was very little relevant communication between anyone in BBC News and anyone in BBC Vision. The separation between News and Vision, about which much has been made, was very much apparent. This is of course important for journalistic independence, but too strict a 'firewall' between the different parts of the BBC can itself cause problems, and, indeed, the 'silo mentality' which did exist generally within the BBC, to which I refer at elsewhere in my report is an issue of significance. Lord Patten perhaps explained this best. He told me, after having obviously undertaken his own consideration of the material:

*'It was like observing two parallel universes. There were people working on programmes for television, light entertainment and so on, and there were people doing news and current affairs programmes, and it was as though they were existing on different planets.'*<sup>1</sup>

4. The independence of News is rightly prized. There should of course be no question of any interference in News from Vision. I do not criticise those involved in the making of the tribute programmes for being unaware of the Newsnight investigation. It does however bring home the importance of

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<sup>1</sup> 11/330, lines 6-10

ensuring that the established channels of communication between News and the wider BBC (and so with Vision) are used to alert the BBC to News activities that may have ramifications for the wider corporation or for some part of it (such as Vision). The MRPL is one such channel and a very important one. I have already discussed the failures that occurred in respect of the use of the MRPL in Part Three. They should be borne in mind when reading this part of my Report.

5. Against that background, I consider the evidence provided to the Review concerning the making of the tribute programmes.

### **Consideration of the preparation of an obituary for Savile**

6. One of the earliest pieces of evidence provided to the Review concerned Savile and the potential preparation of an obituary for him. This was an email chain between Nick Vaughan-Barratt and Mr Entwistle from late May 2010<sup>2</sup>.
7. Mr Vaughan-Barratt was the BBC's Head of Events until late 2011, when he retired. He had responsibility, among other things, for the preparation of obituaries – pre-recorded programmes that could be transmitted when well-known public figures died. It is widely known that all major broadcasters keep such programmes ready for use in the event of the death of, for example, senior members of the Royal Family or very eminent politicians. The BBC maintains such obituaries. It also maintains a very small number of such obituaries for major figures in the entertainment industry but it is clear that the list is short, partly because of the resources required to make such programmes and partly because it would appear that the BBC is less keen on such programmes than it was in the past.
8. Mr Vaughan-Barratt told us that, in the normal course of his work, he would have had discussions with senior figures in BBC Vision, particularly channel controllers, about which prominent figures should be on the obituaries list.

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<sup>2</sup>

12/001



9. Approximately three years ago there was a meeting of Vision staff at which the name of Savile was raised as a possible subject for a BBC One pre-prepared obituary. Mr Vaughan-Barratt said in an email to Katie Taylor and Roger Mosey on 31 October 2012 that he had told the meeting he was against the idea, first because of limited resources and secondly because:

*'of unanswered questions and rumours regarding [Savile's] personal life it would be difficult, if not impossible, to make a film in advance of his death that would be appropriate to run on the night of his death. I also said that if it was decided to make such a film that I would prefer not to make it because I had known Savile some time ago and did not feel I could make an impartial film.'*<sup>3</sup>

10. There was apparently little further discussion at the meeting and no film was made. Mr Vaughan-Barratt said he could not remember who else might have been at the meeting.<sup>4</sup>
11. In his interview with us, Mr Vaughan-Barratt gave a detailed account of his own work with Savile on various television programmes, mainly during the 1970s. He described in some detail what he (and others) viewed as Savile's unorthodox lifestyle, his 'weird' personality and his professed dislike of children.<sup>5</sup> He also told us of his suspicion that Savile was gay. He also told the Review that, on one occasion when he collected Savile for a day's filming, Savile emerged from the door of his flat with a girl whom they subsequently dropped off at a local Catholic school. She was a schoolgirl but Mr Vaughan-Barratt said that she had not looked distressed and he had not remembered her as being particularly young.<sup>6</sup> This had not struck him as particularly odd at the time (and there is no reason why it should have done); he did not know, for example, whether she was a neighbour's child who needed a lift, a friend of the family, or whether there was some other innocent explanation.
12. Mr Vaughan-Barratt said that he had been aware of rumours about Savile but also about many other public figures too, particularly in the world of show

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<sup>3</sup> 12/339  
<sup>4</sup> 11/488, lines 15-16  
<sup>5</sup> 11/490-11/494  
<sup>6</sup> 11/495

business. He stressed that he had not heard any specific stories about any illegal activity until late in 2012.<sup>7</sup>

13. On 29 May 2010, more than a year before Savile's death, Mr Vaughan-Barratt sent an e-mail to Mr Entwistle, then the BBC's Controller of Knowledge Commissioning, saying:

*'George, I understand jimmy [Savile] is very ill. We have no obit and I'm not sure we'd want one. What do you think?*

*I have a personal interest here: my first job in tv was on a JS show – I know him well and saw the complex and sometimes conflicting nature of the man at first hand – if you know what I mean! Do you have an opinion? Mine is ironic, flawed and fascinating. But all a long time ago! N<sup>8</sup>*

14. Mr Entwistle replied:

*'Thanks for this. I don't think we need an obit ... Would it be fair to reshow the Louis Theroux portrait if necessary? I can't remember how edgy it was.'*<sup>9</sup>

15. Mr Vaughan-Barratt's response was:

*'Agree. I'd feel v queasy about obit. I saw the real truth!!! Have a good break.'*<sup>10</sup>

16. Mr Vaughan-Barratt was asked what he was trying to say to Mr Entwistle in the e-mail, and what he intended to convey by *'the real truth'*. He told us what he was saying was:

*'It is Saturday afternoon. I have just heard that Savile is ill. We haven't got an obit for him. I don't think we should make one. The guy is pretty complex and difficult and there is a dark side.'*<sup>11</sup>

17. Mr Entwistle told us that he does not now recall these emails.<sup>12</sup> Mr Entwistle said that he would have been hard pressed to understand what might have

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<sup>7</sup> 11/496

<sup>8</sup> 12/001

<sup>9</sup> 12/001

<sup>10</sup> 12/001

<sup>11</sup> 11/497, lines 14-16

<sup>12</sup> 10/029, paragraph 1.3

been meant by the darker side of the Savile story. He remarked: *'it is hard to know what he means by that and what I would have taken from it.'*<sup>13</sup>

18. The exchange between Mr Vaughan-Barratt and Mr Entwistle does not appear to have continued. As envisaged, no obituary was prepared. We asked Mr Vaughan-Barratt, Mr Entwistle, Jan Younghusband and Mr Cohen whether or not Savile was a sufficiently big celebrity to merit a pre-prepared obituary. They all thought that he was not.

### **Discussions about obituaries and tributes after Savile's death**

19. Savile died on 29 October 2011, some seventeen months after this email exchange. There were then a number of e-mails designed to ensure that a suitable quote from the BBC was put out. The Director General Mark Thompson issued the following statement:

*'I am very sad to hear of Sir Jimmy Savile's death. From Top of the Pops to Jim'll Fix It, Jimmy's unique style entertained generations of BBC audiences. Like millions of our viewers and listeners, we will miss him greatly.'*<sup>14</sup>

20. The BBC's news outlets were covering the story of Savile's death and the following day, 30 October, there was an internal BBC debate about the need for any special programming to be broadcast. The controller of BBC One, Mr Cohen, told the Review that such discussions were normal in the aftermath of the death of a celebrity like Savile.<sup>15</sup>

21. The first question was whether there was a pre-prepared obituary. Nick Vaughan-Barratt e-mailed his colleague Ms Younghusband to say:

*'Some years go [sic] we decided not to make one in advance and that decision has been agreed by successive controllers.'*<sup>16</sup>

22. It appears that the reference to agreement by *'successive controllers'* was somewhat over-stated. What Mr Vaughan-Barratt was referring to was the

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<sup>13</sup> 11/112  
<sup>14</sup> 12/002  
<sup>15</sup> 11/062  
<sup>16</sup> 12/003

fact that the obituaries list is presented to incoming channel controllers, and that Savile (despite being discussed on occasion) had not been put on the list<sup>17</sup>. For Mr Vaughan-Barratt, this was not a ‘near miss’,<sup>18</sup> Savile did not come near to meeting the relevant threshold. For his part, Mr Cohen did not believe he was involved in any conversation about making an obituary for Savile<sup>19</sup>. He said that, while he had some role in relation to obituaries, this did not extend beyond looking at the list and making comments<sup>20</sup> and occupied only around 20 minutes of his time every six months.<sup>21</sup>

23. A few minutes later, after Ms Younghusband had acknowledged receipt of his earlier email referring to the decision not to make an obituary in advance, Mr Vaughan-Barratt sent a further, unprompted email adding that:

*‘We decided that the dark side to Jim (I worked with him for 10 years) would make it impossible to make an honest film that could be shown close to death. But maybe one could be made for later.’<sup>22</sup>*

24. Ms Younghusband replied that she completely understood<sup>23</sup> and added:

*‘I’ve asked George [Entwistle] what he wants to do.’<sup>24</sup>*

25. Ms Younghusband told us that she had no particular idea what Mr Vaughan-Barratt had meant by ‘the dark side’.<sup>25</sup> She said that she had worked for a charity for some years and had heard rumours that Savile had mishandled charity money. Other than that, she knew no more than that there had been speculation about his sex life and that he had seemed ‘a pretty weird guy’.<sup>26</sup>

26. Later that day Mr Entwistle agreed that there was no need for a quickly prepared obituary and suggested instead using archive footage: that is, the

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<sup>17</sup> 11/485-11/488  
<sup>18</sup> 11/489, lines 4-6  
<sup>19</sup> 11/060-11/061  
<sup>20</sup> 11/059-11/060  
<sup>21</sup> 11/062  
<sup>22</sup> 12/004  
<sup>23</sup> However, it is far from certain that she actually was of the same understanding as Mr Vaughan-Barratt. See paragraph 25 below.  
<sup>24</sup> 12/004  
<sup>25</sup> 11/498-11/505  
<sup>26</sup> 11/504-11/505

BBC would '*commemorate Sir JS by repeating some of the programming we already have*'.<sup>27</sup> He stated that he thought that BBC One '*may not be the right place for that*'.<sup>28</sup> Mr Entwistle also added: '*I look forward to catching up with everyone's thinking in the week ahead*'.<sup>29</sup> It does not appear that any such 'catch up' in fact took place. Mr Cohen replied to the email around an hour later, agreeing with Mr Entwistle that BBC One (i.e. the channel of which he was the Controller) was probably not the right place for a Savile tribute based on archive footage.<sup>30</sup>

27. Ideas started to circulate and the following morning, 31 October (coincidentally just as Mr Jones was pitching to Mr Rippon that Newsnight should investigate the stories of Savile's abuse of girls in the 1970s), Mr Cohen came up with his own proposal. His idea, e-mailed to Mr Entwistle, was to commission a special Christmas edition of 'Jim'll Fix It' with a current BBC personality taking the Savile role. In his email, Mr Cohen said '*It would be a homage to him and would I think feel like a real Christmas treat*'.<sup>31</sup>

28. Before Mr Entwistle could reply, he was sent another e-mail, this time by Ms Younghusband, saying

*'I gather we didn't prepare the obit because of the darker side of the story. So something celebrating a particular part of his TV career is probably better than the [life] story as there are aspects of this which are hard to tell'*.<sup>32</sup>

Ms Younghusband's email was also copied to Mr Cohen.

29. Mr Entwistle then replied to Mr Cohen's e-mail about the 'Jim'll Fix It' special, saying: '*Great idea Danny. Please keep me posted*'.<sup>33</sup> Mr Entwistle did not reply to Ms Younghusband's e-mail about '*the darker side of the story*'.

30. This clearly raises questions for Mr Entwistle. He was Director of Vision: the head of the BBC's television service. He had been told by Mr Vaughan-Barratt

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27 12/006  
28 12/006  
29 12/006  
30 12/007  
31 12/008  
32 12/010  
33 12/013

more than a year earlier (when in a different role) about the difficulties in reflecting Savile's life and character on screen. He had been sent an e-mail by one of his colleagues that day that mentioned *'the darker side of the story'*<sup>34</sup> and at the same time, another colleague, Mr Cohen, was proposing 'a *homage*' to Savile as a Christmas treat for viewers.

31. When Mr Entwistle gave evidence to the Review he told us that he could not remember reading the e-mail from Ms Younghusband. He said he did not always read her e-mails because she was out of the office a lot and often fell 'out of sync' with e-mail exchanges.<sup>35</sup> He also told us:

*'The fact that I had already communicated my lack of interest in an obit to Jan the previous evening as well as my interest in archive to Danny, is a possible reason why I might not have read Jan's... e-mail ... which was in a separate chain'.<sup>36</sup>*

32. Given the potential importance of the email from Ms Younghusband, a forensic examination of Mr Entwistle's e-mail account took place to see whether it had, in fact, been read. This process suggested that the e-mail had been delivered to two separate inboxes, one normally used by Mr Entwistle and one by his PA. The email was shown as having been 'read' in both email accounts. However, it was not possible to establish the exact date when the email was read or whether it was read by both (or just one of) Mr Entwistle and his PA.
33. In a follow-up statement to the Review submitted on behalf of Mr Entwistle, three points were made:
- It was said that Mr Vaughan-Barratt and Ms Younghusband's emails envisaged the possibility of a televised obituary of Savile and that any such suggestion would have been unthinkable if they had suspected Savile of serious misconduct. If either Mr Vaughan-Barratt or Ms Younghusband had had real suspicions of misconduct, they would

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<sup>34</sup> 12/010  
<sup>35</sup> 11/113-11/114  
<sup>36</sup> 10/015

have mentioned that to Mr Entwistle as it would have been a material factor in any decision by him about whether to agree to an obituary.

- None of the emails received by Mr Entwistle referred to abuse or misconduct and were not "red flag" emails; nor did they even suggest that an obituary would be intrinsically inappropriate.
- As already noted, Mr Entwistle does not now remember the email exchanges and only became aware of them when they were recovered in recent searches of his email accounts for the purposes of the Review.

34. Mr Entwistle said that he did not read the email referring to '*the darker side of the story*' and he does not believe it was sent in an effort to warn him. In my view the phrase carries enough impact that, if he had read the email, I think it is highly likely that he would have spoken first to Ms Younghusband and then to Mr Vaughan-Barratt (the originator of the '*dark side*' phrase who had worked with Savile for many years). It is at least possible that a conversation with Mr Vaughan-Barratt would have given Mr Entwistle some pause for thought about the planned Christmas tributes. Mr Vaughan-Barratt could, of course, have spoken to Mr Entwistle or emailed him direct if he had wanted to alert him further.
35. The e-mail from Ms Younghusband warning about '*the darker side of the story*' had also been sent to Mr Cohen, the originator of the Jim'll Fix It '*homage*' to Savile. He too told us that he did not recollect reading it, in fact he said '*I know I didn't see it at the time*'.<sup>37</sup> He could not recall why he did not read it, but speculated that this was because the debate about the broadcast of an obituary had been concluded the previous night, during which it was decided that any obituary would not be on his channel, and so there was no need to read any more about it (although it is perhaps rather hard to understand how he could be so sure about the subject matter without opening

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<sup>37</sup>

11/063, line 22

the e-mail)<sup>38</sup>. As with Mr Entwistle, Mr Cohen said that he had no knowledge of Savile's behaviour.

### **The tribute programmes**

36. On the afternoon of 31 October 2011, the BBC One team was alerted to the fact that BBC North, based in Leeds, had already commissioned an independent production company, True North, to make a quick turnaround programme about Savile and his broadcast career to be shown in the BBC North region. Mr Cohen's initial view was that this was *'more likely BBC2'*<sup>39</sup> but, after being told the name of the independent company involved, decided *'as it is True North I think I'd be happy to take this for Network.... If you are also happy with that I'll let George E know...'*<sup>40</sup> A budget was agreed and it was decided that the programme should be broadcast nationally on BBC One on 11 November 2011, two days after Savile's funeral.
37. As explained at paragraph 29 above, the idea for a Jim'll Fix It-style *"homage"* to Savile was picked up and, on 8 November 2011, got the green light to proceed to production. Shane Richie was chosen as the host. It was intended that this would be broadcast on Christmas Day.
38. A further tribute was also developed to celebrate Savile's career on Top of the Pops: he had been the first presenter on Top Of The Pops, had hosted it for 20 years and had appeared on the final show. The idea, using archive footage, was developed throughout November 2011.
39. On 29 November, the BBC formally announced its Christmas programming, including the Savile tributes although the Shane'll Fix It programme had been announced separately, on 15 November. The 'Shane'll Fix It' special was moved from Christmas Day to Boxing Day at 5:45pm because of a clash with ITV's programme schedule.

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<sup>38</sup> 11/063-11/065

<sup>39</sup> 12/014

<sup>40</sup> 12/015



40. There is no need for me to consider the work carried out to commission and produce the Christmas TV programmes about Savile. I should however note three things:

- First, the Review was supplied with a large amount of email correspondence between those involved in the Shane'll Fix It tribute and the Top Of The Pops tribute, and those involved in deciding to screen the True North tribute. Not one of these emails gives any hint that any of those involved in commissioning, preparing, filming or broadcasting these programmes had any awareness of any rumours or allegations about Savile relevant to this Review. The only hints seen by the Review are the '*darker side*' emails discussed above; I was not provided with any other such emails.
- Second, the emails did not disclose any contact between News and those involved in the Savile tributes. Apart from the limited extent set out in Part Three, there appears to have been no (documented) contact between anyone connected to the tributes and anyone connected to the Newsnight investigation in November or December 2011.
- Third, I note that those behind the Shane'll Fix It programme tried to have it picked up as a series. A decision was taken in February 2012 by Mr Cohen and Mark Linsey (the Head of Entertainment Commissioning) that a series would not be commissioned. I am satisfied this was based solely on the merits of the programme and had nothing to do with rumours about Savile or the aborted Newsnight investigation (which was by this time being reported in the press).<sup>41</sup>

### **Missed opportunities?**

41. I have seen no evidence that anyone involved in the making of the tribute programmes knew of any allegations against or rumours about Savile. Were there nonetheless opportunities to discover these and to evaluate whether or

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<sup>41</sup>

11/057-11/058

not the programmes should have been commissioned, produced, or ultimately broadcast? I set out below four possibilities.

- First, the ‘dark’ or ‘darker’ side emails. As I have set out, the position is that on 31 October 2011 Mr Vaughan-Barratt sent an e-mail to two senior figures, the Director of Vision and the Controller of BBC1, alerting them to the potential of a ‘darker’ side of the story about Savile (with the Director of Vision having received a similar email 17 months earlier). Both the Director of Vision and the Controller of BBC1 say they either did not recall reading the email, although there was lively e-mail correspondence being conducted on the same afternoon about the proposed ‘Jim’ll Fix It’ special programme.
- In one sense this looks like a missed opportunity for further questions to be asked. As both Mr Entwistle and Mr Cohen say they did not read the emails, the question is somewhat academic. I do not regard that email as a ‘smoking gun’ but it indicates to me that there was knowledge, not just rumour, within BBC Vision about the unsavoury side of Savile’s character at the time the Christmas tribute programmes were planned. If either email had been read it was at least possible that further questions would have followed.
- Second, on 28 November 2011, Mr Cohen met with Mr Mitchell. At this point Mr Mitchell was aware of the Savile investigation and of the tribute programmes – he had of course already asked Ms Boaden to inform Mr Entwistle. He could thus have taken the opportunity to tell Mr Cohen that there was an investigation into Savile.
- As regards meetings with Mr Mitchell, Mr Cohen said that these took place ‘*maybe every four to six months*’. This could be classed as a missed opportunity to alert Mr Cohen, someone very senior in Vision and in particular in BBC One, the channel on which the ‘Shane’ll Fix It’ tribute was to be shown. Indeed, Mr Cohen told the Review that he wished someone had told him.<sup>42</sup> He said if he had been told there was

an outstanding criminal allegation against Savile he would have held off on the Shane'll Fix It programme. If he had been told that there were allegations that could not have been stood up as a news piece, he would have sought advice from BBC lawyers and Editorial Policy and expected that the programme would have been delayed at least.<sup>43</sup> In any event, he would have gone to Mr Entwistle to discuss the matter<sup>44</sup>.

- Mr Cohen was clear that cancelling the programme would not have been a big deal. It was not very expensive to make and for Mr Cohen it was wrong to suggest that dropping the programme would have had the effect of *"destroying our Christmas ratings"*. As he powerfully put it:

*'This was not the programme at the heart of our Christmas. This was a 5.45 programme on Boxing Day. You know, BBC1's Christmas story was not dependent on this 30 minutes of teatime television.'*<sup>45</sup>

- Mr Entwistle's evidence to the Select Committee was to similar effect; Lord Patten also made a similar comment to the Review.<sup>46</sup> Mr Cohen's evidence also chimed with that of Mr Rippon in so far as he said that he never considered it would be a big deal for Vision to change the schedule. Indeed, the evidence of Mr Cohen about the schedule supports my conclusion that there was no pressure applied to Mr Rippon to drop the Newsnight story to protect the Christmas programming line-up, to which I refer at in Part Three.
- Returning to the meeting between Mr Cohen and Mr Mitchell on 28 November 2011, as I have said it is possible to consider this as a missed opportunity to alert an appropriate person in Vision. There should however be no need to do so, and there should have been no need for Mr Mitchell to tell Mr Cohen about the investigation at a relatively informal meeting, as there was a formal mechanism in place to ensure that stories that were brought to Vision's attention: that is the

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<sup>43</sup> 11/068-11/070

<sup>44</sup> 11/070

<sup>45</sup> 11/069

<sup>46</sup> 11/330-11/331

MRPL which I have discussed in detail in Part Three of this Report and to which I return briefly below.

42. The third candidate is the short conversation between Ms Boaden and Mr Entwistle at the awards lunch on 2 December 2011. I have considered this conversation in detail in Part Three.
43. As will be obvious, the fourth candidate, and in my view a true and most fundamental missed opportunity, was the MRPL. As I have already set out in Part Three, the Savile story was not a fast turnaround news piece, it could have been kept on the MRPL and indeed it should have been. Mr Mitchell's mistake in taking the story off the list, rather than ensuring it was on the list, denied the BBC the proper opportunity at an appropriate level to consider the Savile story as a whole: that is, the 'two sides' to it, that being put forward by Vision and that being investigated by Newsnight. It seems to me clear that the failure to ensure the story was on the MRPL was a significant missed opportunity that might have led to the BBC not showing tribute programmes to Savile.

## **PART FIVE - EVENTS BETWEEN DECEMBER 2011 AND SEPTEMBER 2012**

1. In this part I consider the period after 12 December 2011 up to September 2012.

### **20 December 2011 – Christmas Drinks Function**

2. On 20 December 2011, Mr Thompson hosted a Christmas drinks function, where an attendee, Caroline Hawley, broached the subject of the dropped Newsnight investigation with him.
3. Ms Hawley had previously worked for Newsnight but was at this time (as she is now) a World Affairs correspondent in the World Affairs Unit.<sup>1</sup> She knew Mr Jones and Ms MacKean, and on the day of the function had a brief conversation with one or both of them (she cannot recall which) where she was informed of their displeasure at the dropping of the Newsnight investigation.<sup>2</sup> Ms Hawley told me that neither of the pair put her up to raising the matter with Mr Thompson, although she told me that they appeared '*angry enough*' for her '*to think that if I've got the opportunity to ask someone about it, I will...*'.<sup>3</sup>
4. While Ms Hawley told me that her recollection of her conversation with Mr Thompson is not particularly clear, she has subsequently been approached by two people who say they witnessed the conversation.<sup>4</sup> One told her that Mr Thompson said that there was a '*firewall between him and this kind of decision-making*'. Ms Hawley does not herself recall Mr Thompson using the term '*firewall*', but does recall him saying that this was not a decision he would have been involved in.<sup>5</sup> Ms Hawley told me that she formed the impression that Mr Thompson had no knowledge of the story, as did the second witness to the conversation.<sup>6</sup> Neither recalls if the word 'paedophile' was used or not.

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1 11/129  
2 11/130-11/131  
3 11/132; 11/137, lines 6-9  
4 11/133-11/134  
5 11/135  
6 11/136

5. Mr Thompson recalls this as a large function, with approximately 100 people present, where he attempted to meet all of the attendees.<sup>7</sup> Mr Thompson told us that this was the first time he had heard of the Newsnight investigation.<sup>8</sup> His recollection was that Ms Hawley commented that he *'must be worried about the Newsnight investigation into Jimmy Savile'*.<sup>9</sup> Mr Thompson said that his reply was *'very noncommittal'* as the conversation was:

*'... a little bit like the Lord Chief Justice meeting someone at a cocktail party who says, "You must be worried about this murder trial that is going on in Liverpool". There isn't a way of engaging with it which is going to be helpful. The right thing to do is to take away the thought and to check it out, as it were, with the relevant part of the organisation, rather than sort of sailing into a, "Really, do tell me more", sort of thing'.*<sup>10</sup>

6. Mr Thompson did not recall using the term *'firewall'*, but said that if it had been suggested he was involved in the decision-making he *'may well have put [his] hands up... and said, "No, I wouldn't have been"'*.<sup>11</sup>
7. Mr Thompson could not remember any specifics, but he says he did *'check it out'* with BBC News:

*'I cannot remember precisely what I did except to say that at some point shortly thereafter, and it may have been on the phone, it may have been in person, this was very close to Christmas and if it was in the next 24/48 hours it would have been on the phone if it was later it might have been in person, it might have been at the start of January. I raised it with colleagues in BBC News. I have to say I can't remember precisely who I raised it with. I think it was probably Helen [Boaden], it might have been Steve Mitchell. And... I believe it was Helen who came back to me and said in pretty short order: oh well, they were doing an investigation into Jimmy Savile... but the programme themselves decided not to proceed with it for editorial or journalistic reasons'.*<sup>12</sup>

8. Mr Thompson said that this struck him as entirely normal, and that he did not learn any specifics of the investigation, and remained ignorant of the fact that the investigation was into allegations of sexual abuse.<sup>13</sup> As Mr Thompson put

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<sup>7</sup> 11/462-11/465  
<sup>8</sup> 11/465, lines 3-4  
<sup>9</sup> 11/465, lines 22-24  
<sup>10</sup> 11/466  
<sup>11</sup> 11/469, lines 4-13  
<sup>12</sup> 11/467-11/468  
<sup>13</sup> 11/468

it, he *'received reassurance and indeed got the sense the whole matter was closed, crossed it off my list and went off to worry about something else'*.<sup>14</sup>

### **Late December – Mr Goslett's Investigations begin**

9. The day following the drinks function (21 December 2011) Helen Deller emailed a number of people, including Mr Rippon, to advise that Miles Goslett, a freelance journalist writing for the Independent, had information about the dropped investigation.<sup>15</sup> Ms Deller identified this story as having two *'elements'*: first, a BBC cover up of misconduct *'on our doorstep'* and secondly, that this was in order to protect the Savile tributes. Ms Deller suggested a press response saying that *'...the angle we were pursuing could not be substantiated'*, and that people were to brief that:

*'...yes we did interview an individual about Saville [sic] with a view to pursuing a story involving CPS and Police. We had been led to believe there had been a recent investigation into the allegations but these were dropped. However we could not gain sufficient information to stand this up'.*

10. Mr Rippon received this email when he was at home over the Christmas break. He responded, he told me, from memory and without drawing on any source material,<sup>16</sup> as follows:

*'It's not quite right. There was a police/CPS investigation recently in 2007. It was into an 'historic indecent assault' . However it was not pursued for lack of evidence. We were trying to establish if it was true as the woman alleged that it was dropped because of Savilles [sic] age/celebrity status. We could not establish that was the case'.*

*PS the main allegation she made about herself did not take place at the BBC... She alleged some other incidents did involving others."*<sup>17</sup>

11. This response gives the clear impression that *'the woman'* referred to in the main paragraph was alleging that the Police investigation was dropped because of Savile's age and status was also the *'she'* referred to in the postscript. This is not correct - they were two different women - as Mr Rippon

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<sup>14</sup> 11/470, lines 12-15

<sup>15</sup> 12/117

<sup>16</sup> 11/376-11/377

<sup>17</sup> 12/118

accepted when he was asked about this in his interview with us.<sup>18</sup> This elision of the two women's accounts was extremely unfortunate and the consequences of the error were profound and resonated for months to come.

12. When it was suggested to Mr Rippon that this elision occurred because he didn't recall the detail entirely correctly when replying to Ms Deller's email, he agreed *'to a point'*, but qualified this by saying that *'the initial elision... occurred because of the way the story originally evolved in [his] mind, in [his] discussions with Meirion [Jones].'*<sup>19</sup>

13. Ms Deller then worked Mr Rippon's comments up into a final response (subject to confirmation of factual accuracy), which was accepted by Mr Rippon:

*"... [I] would brief yes a BBC crew did interview an individual about Savile. We understood there was a relatively recent CPS/Police investigation into historic indecent assault that was not pursued for lack of evidence. It was alleged it was dropped because of Savile's age but we could not stand this up."*<sup>20</sup>

14. Neither Mr Jones nor Ms MacKean were involved or consulted about this line.<sup>21</sup> Mr Mitchell told me that he was not involved as he was out of the country at the time.<sup>22</sup>

## January 2012 – The Sunday Mirror Story

15. Early in the new year, the BBC became aware that the Sunday Mirror was preparing a story on the demise of the Savile investigation. Ms Deller unsuccessfully attempted to dissuade the paper from running the story.<sup>23</sup> The story, which was published on 8 January, included details of the Newsnight investigation, and quoted a "BBC Insider" in the following terms:

*"People are up in arms that they spent so long and committed two months of time and effort only for this to be canned... Someone, somewhere should have realised that a report trying to uncover a dark side of one of the BBC's favourite sons was a silly thing*

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<sup>18</sup> 11/377

<sup>19</sup> 11/378-11/380

<sup>20</sup> 12/119; 12/121

<sup>21</sup> 11/172, line 21; 11/229-11/230

<sup>22</sup> 11/255

<sup>23</sup> 12/124



*to do... It cost thousands of pounds. This is cash which could have been used on other shows that has been poured down the drain.*<sup>24</sup>

16. Mr Jones made the point to Mr Rippon in an email on the afternoon of 8 January 2012 that the quoted insider *'sounds like someone who thought we shouldn't have done it in the first place and probably not someone from Newsnight – unless they just made that bit up'*.<sup>25</sup> In his interview, Mr Jones denied that he was the source of this story, and said he did not know who the source was.<sup>26</sup> Mr Jones says that he did not speak to any journalist about the Newsnight story until the news of the ITV story broke many months later in late September 2012.<sup>27</sup>
17. The Press Office, however, was clearly of the firm view by this stage that Mr Jones was very probably the source of at least some of the leaks. In an email later that day, James Hardy, then Head of Communications for BBC News, emailed Ms Deller to tell her that he had read the story and that while he was unconcerned by it, he would *'drip poison about Meirion's suspected role'* if he got the opportunity.<sup>28</sup> Mr Hardy, to his credit, made it clear to the Review that he deeply regretted the use of the phrase *'drip poison'*. In a written response, he said that, in the heat of the moment, he chose a phrase which was unfortunate. It appears that the phrase was driven by his anger and his frustration and he made it clear to me that his intention was not to speak to anyone outside the BBC, but to complain about what he regarded as very damaging leaks to somebody senior in BBC News.
18. Mr Rippon suggested that Mr Hardy's distrust of Mr Jones could have stemmed from an earlier incident where (although he could not recall details) Mr Hardy felt that Mr Jones had misled the Press Office.<sup>29</sup> Similarly, Ms Boaden told me that she now knows that Mr Jones had *'a very long track record of being suspected of leaking'*.<sup>30</sup> Mr Jones, for his part, denied that he had any relationship with Mr Hardy beyond a single telephone conversation, and

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<sup>24</sup> 12/125  
<sup>25</sup> 12/126  
<sup>26</sup> 11/173  
<sup>27</sup> 11/175, lines 1-7  
<sup>28</sup> 12/127  
<sup>29</sup> 11/385, lines 6-20  
<sup>30</sup> 11/035, lines 17-21

specifically denied that he had ever done him a bad turn.<sup>31</sup> However, it seems clear that by this stage there had been a corrosion of trust between the Press Office and Mr Jones, who was regarded by many in BBC management as a man inclined to leak.

19. Mr Mitchell and Ms Boaden were both at pains to point out that the fact that Mr Jones was considered to be inclined to leak did not mean that he was persona non grata within BBC News. Throughout this period he was still being trusted to, as Ms Boaden put it *'do some journalism'*.<sup>32</sup> However, Ms Boaden did suggest that one reason why nobody sat down with Mr Jones to get his version of the underlying facts was that by this point he was *'regarded as untrustworthy'*,<sup>33</sup> observing that:

*'... it's a sort of paradoxical thing that you can have people in the BBC who you suspect may be leaking, but you actually still engage with them in terms of their professional life, their journalism. There is a culture of leaking at the BBC'.*<sup>34</sup>

20. Another reason, Ms Boaden suggested, was that Mr Jones would not be the right person to go to:

*'... you have to decide what you think the facts are that you want to explore... So the allegation is a cover-up of a Newsnight investigation. So you wouldn't necessarily go to Meirion Jones to get the facts on that, since it is suspected that Meirion is the person who has decided it is a cover up'.*<sup>35</sup>

21. Mr Mylrea told me that throughout the affair the *'scale, speed and nature of briefing was astonishing'*,<sup>36</sup> and that this made the task of the Press Office *'exceptionally difficult'*.<sup>37</sup> While he could not pinpoint the time at which he formed this view, Mr Mylrea told me that he reached the conclusion that there had been a breakdown of trust within the Newsnight team.<sup>38</sup>

22. It is evident that Mr Jones' unhappiness as to the demise of the Savile investigation had not lessened over the New Year, as on 5 January he wrote a

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<sup>31</sup> 11/174, lines 7-14

<sup>32</sup> 11/036, line 6

<sup>33</sup> 11/036, line 3

<sup>34</sup> 11/037, lines 15-20

<sup>35</sup> 11/036, lines 17-23

<sup>36</sup> 11/286, lines 5-6

<sup>37</sup> 11/286, line 13

<sup>38</sup> 11/287, lines 15-22

*'Happy New Year'* email to a colleague referring to the *'outrageous'* and *'non-journalistic'* reasons why the story did not air.<sup>39</sup> Mr Jones confirmed to me that by this he meant management pressure prompted by the Savile tribute programmes.<sup>40</sup> It does not appear that Mr Jones shared this view with Mr Rippon, who told me that, throughout this period, he remained of the view that Mr Jones accepted that he had made the decision for editorial reasons.<sup>41</sup> Consistent with this, when Ms Gibbons and Mr Rippon speculated as to who the source of leaks to the media around this time might be, neither appears to have suspected Mr Jones.<sup>42</sup> When I asked him, Mr Rippon told me that Mr Hardy did not share his suspicions regarding Mr Jones with him at the time.<sup>43</sup>

23. Mr Thompson said that the Sunday Mirror story, and all stories at the start of 2012, including the Oldie story, passed him by as he was unusually busy at the time.<sup>44</sup> I have no reason to doubt what Mr Thompson told us.

### **February 2012 – The 'Oldie' Story**

24. The next media story dealing with the Newsnight investigation appeared the following month in the 'Oldie' magazine, trailed in Guido Fawkes' blog on 8 February, the day before publication.
25. The Oldie piece was authored by Mr Goslett, who contacted the BBC Press Office on 16 January seeking details of who had decided not to run the report, and of when Mr Thompson and the BBC2 Controller were first made aware of it.<sup>45</sup>
26. The trailer in the Guido Fawkes blog, published on 8 February, included the following:

*'Apparently The Oldie will reveal that the Newsnight report contained evidence that the abuse of minors involving Savile that took place on **BBC premises** in the 1970s and that two other celebrities – both still alive – were involved as well. Boom...*

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39 12/123  
40 11/195, line 15; 11/196, line 7  
41 11/381-11/384  
42 12/122  
43 11/386-11/387  
44 11/471  
45 12/128.

*The BBC said in December that Newsnight's report was never aired because there was not enough proof, but that line is now looking shaky. The article will allege that Mark Thompson has known of this contentious story for weeks. It seems there could be some intriguing questions for the DG to answer in the coming days...*<sup>46</sup>

27. This indicates that, by this stage, allegations that abuse occurred on BBC premises, and involved celebrities who were not themselves the focus of the Newsnight investigation, were being highlighted.
28. Mr Rippon told me that at this time his role was very limited, and that he responded only to Press Office requests that he needed to have a view on, and that he *'didn't consider the fact that the angles seemed to be evolving slightly'*.<sup>47</sup> Mr Rippon did, however, email Ms Deller and Mr Mitchell on the day the Guido Fawkes post appeared, telling them that *'The evidence about BBC premises was anecdotal, second hand and forty years old'*.<sup>48</sup> He explained to me that this was a reference to the allegations from [R1] against Gary Glitter, and that he meant *'second-hand in the sense that it was about her witnessing something happening to somebody else, whom she could not identify, rather than being the victim of something herself on the BBC premises'*, although he accepted it was a first hand account of a sexual assault on somebody else.<sup>49</sup>
29. Also on 8 February, Mr Thompson's office was approached by the Daily Telegraph for comment about whether Mr Thompson was aware of the *'Newsnight investigation into Jimmy Saville [sic] and Duncroft School?'*. This email was forwarded without any covering note to Mr Mylrea and Mr Thompson.<sup>50</sup> Mr Mylrea responded within fifteen minutes, advising that it was being passed to the Press Office for response.<sup>51</sup> The proposed article was picked up by Mr Payne, among others, which led to a conversation between Mr Payne and either Ms Cecil or Mr Thompson about whether it would ever be the case that Mr Thompson would intervene to get a story dropped. Mr Payne was *'told very clearly that he would not and said he did not on this occasion'*.

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<sup>46</sup> 12/131  
<sup>47</sup> 11/388, lines 7-16  
<sup>48</sup> 12/132  
<sup>49</sup> 11/389-11/390  
<sup>50</sup> 12/129  
<sup>51</sup> 12/130

30. Mr Thompson told me that his understanding was that the Press Office had, after talking to Mr Rippon, satisfied themselves of the propriety of his actions and concluded that they were dealing with *'relatively low level mischievous stories with no foundation and they could get on with rebutting them'*.<sup>52</sup>

31. After the Oldie piece was published, Mr Mitchell emailed Mr Rippon in the following terms:

*'The idea this was dropped for corporate reasons is fundamentally wrong as we know, does anyone on your team think otherwise? What I'm not sure is the serious allegation that we uncovered evidence unknown to the police and haven't passed that on... is that true?'*<sup>53</sup>

32. Mr Rippon replied a little over an hour later as follows:

*'Our entire story was based on what they told us, so we have no other evidence. The police have interviewed the women already. So that allegation is not true. Neither, as you know, is the charge that this was dropped for anything other than editorial reasons. Liz McKean [sic] and Meirion [Jones] worked on the story. Neither has ever alleged to me that it was dropped for anything other than editorial reasons.'*<sup>54</sup>

33. The statement about the Police having already interviewed the women is, as we now know, incorrect, although Mr Rippon told me that he thought it correct at the time, on the basis of how the story had been described to him.<sup>55</sup>

34. The day after the Oldie story was published, a piece appeared in the Daily Telegraph, also containing allegations of a cover-up, accompanied by quotes from a *'BBC News source'*, who was quoted as saying:

*'The extreme nature of the claims about Savile meant that the Newsnight report was going to seriously compromise the lavish BBC tributes scheduled to run later the same month...*

*And second, the allegations directly involved the BBC, in that the woman who gave the interview said that she and others were abused by Savile on BBC premises.'*<sup>56</sup>

35. In response to this, the BBC Press Office suggested that it would be helpful to have a response from Mr Rippon, as editor of the programme, which could be

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<sup>52</sup> 11/472, lines 3-13

<sup>53</sup> 12/134

<sup>54</sup> 12/137

<sup>55</sup> 11/391-11/393

<sup>56</sup> 12/138

used to respond to any requests for comment.<sup>57</sup> Mr Mitchell supported this suggestion as *'The allegations are personally damaging for your credibility as an editor, Peter, so it [would be] good to put your name [behind] the denial'*.<sup>58</sup> At this time, Mr Mitchell had not seen any of the underlying documentation, or discussed the matter with Ms MacKean or Mr Jones; he was relying entirely on what Mr Rippon had told him before Christmas.<sup>59</sup>

36. Mr Rippon then emailed Mr Jones, telling him that he was contemplating making a formal statement denying the allegations, noting that the allegation regarding withholding evidence from the police was *'seriously damaging'*.<sup>60</sup> Mr Rippon asked Mr Jones for confirmation that *'Everything we got was from the same women the police spoke to was it not?'*. Mr Jones responded, warning that if a statement was issued it would *'give this legs'*, but suggesting that any statement conclude by stating *'we have not withheld any information from the police and we would of course be happy to talk to them about any information we have gathered'*.<sup>61</sup> In the next paragraph, Mr Jones went on to point out that the investigation did not begin until after Savile's death, such that a prosecution against him was no longer possible, but that:

*'We did have information the police did not have in 2007 because we found another victim [R1] - who did an on-camera interview about being sexually abused while underage by Savile - but he was already dead by then so it wasn't possible for the police to prosecute him. She did tell us about Gary Glitter having sex with an underage girl in Jimmy Savile's dressing room in 1974 but she could not identify the girl and in any case, Glitter is already on the paedophile register.'*

37. Thus, it seems that the answer to Mr Rippon's question *'Everything we got was from the same women the police spoke to, was it not?'* was 'not quite'. Mr Rippon acknowledged in his interview that he ought to have read Mr Jones' reply more clearly as:

*'he's clearly telling me there something that should have alerted me to not repeat the error that I eventually made in the blog...'*

But that:

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<sup>57</sup> 12/140  
<sup>58</sup> 12/141  
<sup>59</sup> 11/256  
<sup>60</sup> 12/142  
<sup>61</sup> 12/143

*'In mitigation I would say that this is 10 February. There is no active investigation. I'm reading this in the context of replying to a press enquiry, unaware of what is going to unfold down the line, so I think I would have just read the first paragraph and been -- and took the first paragraph from that, and I didn't pay enough attention to the second paragraph.'*<sup>62</sup>

38. In his interview with us, Mr Jones sought to justify his assertion that no information was withheld from the Police on the basis that Savile was dead, and that the material which they had gathered about Glitter was inconclusive.<sup>63</sup> He did, however, accept that his suggested wording ought to have made the distinction between not withholding any information and not knowingly withholding information thought to be of evidential value.<sup>64</sup> He also accepted that this judgement was properly one for the Police and the CPS.<sup>65</sup> In my view, this concession was rightly made. Plainly the judgement wasn't one for Mr Jones or his Newsnight colleagues. Mr Jones added that he felt he had a 'safety net' because of Mr Williams-Thomas's involvement, as if Mr Williams-Thomas, as a former Police Officer, felt that there was something which the Police urgently required, he would have taken action.<sup>66</sup>

39. Mr Rippon did decide to provide the Press Office with a personal statement, and circulated a draft on the morning of 10 February which stated:

*'It is absolutely untrue that the Newsnight investigation was dropped for anything other than editorial reasons. We have been very clear from the start that the piece was not broadcast because we could not establish enough facts to make it a Newsnight story. To say otherwise is false and very damaging to the BBC and individuals. To allege that we are withholding evidence from the police is also damaging and false. I note that a number of newspapers are using the fact that we have not broadcast something to put the allegations into the public domain themselves.'*<sup>67</sup>

40. Mr Mitchell suggested that the last line be dropped,<sup>68</sup> and the remainder subsequently hardened into the BBC's response.
41. Also on 10 February, Mr Jones sent Mr Rippon a lengthy email speculating as to who might be leaking material to Mr Goslett, which Mr Rippon then

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<sup>62</sup> 11/394-11/395  
<sup>63</sup> 11/176-11/179  
<sup>64</sup> 11/179-11/180  
<sup>65</sup> 11/180, line 13  
<sup>66</sup> 11/181-11/182  
<sup>67</sup> 12/144  
<sup>68</sup> 12/145

forwarded to Mr Mitchell, who commented (I suspect with his tongue firmly planted in his cheek) that Mr Jones's energy could not be faulted.<sup>69</sup> Mr Rippon told me that Mr Jones's note was not prepared at his request, although it appears that he had asked Mr Rippon who he thought had been leaking.<sup>70</sup> When I suggested that this question was asked with a strong background view that the source of the leak was probably Mr Jones, and that Mr Jones's email was his attempt to say (in a slightly obscure way) that it wasn't him, Mr Rippon agreed.<sup>71</sup>

42. At the foot of the email chain which Mr Rippon forwarded to Mr Mitchell was Mr Jones's earlier reply regarding what material had been provided to the Police, although Mr Mitchell told me that he did not notice this at the time.<sup>72</sup>
43. A few days later, on 13 February, Mr Jones was forwarded an email from a member of the public which was sent to Newsnight's contact email address.<sup>73</sup> This was from a former BBC staff member who had herself witnessed, in Savile's dressing room, sexual activity between Savile and a girl of 13 or 14. Mr Jones followed this up,<sup>74</sup> and passed this information to Mr Williams-Thomas.<sup>75</sup> Mr Rippon does not recall seeing this email, and says that it was not the subject of any discussion at Newsnight that he was aware of.<sup>76</sup> Mr Jones told me that he did not show it to Mr Rippon as *'he didn't want evidence'*, and that nothing would come of it in any event as the Tributes had been broadcast.<sup>77</sup>

#### **April 2012 – Mr Goslett's Freedom of Information Act ("FOIA") Request**

44. On 16 April 2012, Mr Goslett made a request of the BBC under FOIA seeking disclosure of material produced by Mr Thompson, Ms Boaden, Mr Rippon and Mr Cohen relating to Savile, details of any meetings relating to the Newsnight

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<sup>69</sup> 12/146  
<sup>70</sup> 11/396-11/398  
<sup>71</sup> 11/398  
<sup>72</sup> 11/257-11/258  
<sup>73</sup> 12/149  
<sup>74</sup> 12/150  
<sup>75</sup> 11/197-11/198  
<sup>76</sup> 11/399-11/401  
<sup>77</sup> 11/198



investigation, confirmation of whether the BBC had any contact with the police regarding Savile, and *'full details of all legal communications arising from Newsnight's investigation of 2011 into claims he sexually molested minors on BBC premises in the 1970s'*.<sup>78</sup>

45. The eventual response was made on 18 May, in which Mr Goslett was told that the BBC had interpreted the final request as relating to BBC News, and that therefore all three questions were covered by the exemption in FOIA for material held for the purposes of journalism, art or literature.<sup>79</sup> Mr Thompson told me that he had no knowledge of this request.<sup>80</sup> I accept this.

### **August/September 2012 - The Sunday Times Story**

46. On 22 August, the Sunday Times sent Ms Deller an email notification (trailed, it would appear, by a phone call the previous day) that it would be publishing a story about the Savile allegations.<sup>81</sup> This email also said that the story would explore the angle that a Newsnight story into the allegations *'was cancelled at the last minute at the behest of senior staff'*, and that ITV was planning a documentary on the subject for broadcast in the Autumn.

47. After discussion as to what response to make, the proposed responses (in question and answer format) were forwarded to Mr Mitchell to *'cast his eye over them for accuracy'*.<sup>82</sup> Mr Mitchell approved these responses<sup>83</sup>, which included the following:

*'We were pursuing a particular angle relating to the CPS/Police which we were unable to substantiate and which was therefore not broadcast. Any suggestion that the story was dropped for anything other than editorial reasons is completely untrue.'*<sup>84</sup>

48. After this, the draft response went to Ms Boaden,<sup>85</sup> who commented that *'Some of these allegations are highly litigious and we need to make clear we would*

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<sup>78</sup> 12/151  
<sup>79</sup> 12/152  
<sup>80</sup> 11/472-11/473  
<sup>81</sup> 12/156  
<sup>82</sup> 12/157  
<sup>83</sup> 12/162  
<sup>84</sup> 12/159  
<sup>85</sup> 12/164

*take them very seriously indeed and would seek legal redress*'.<sup>86</sup> The responses also appear to have been cleared by the BBC's lawyers.

49. On 29 August, Mr Rippon was sent a copy of what by then had become a response email, rather than the 'question and answer' email which Mr Mitchell had originally approved. It is not clear whether Mr Rippon was ever shown a copy of the question and answer email, although it seems that he was not. In any event, the response email also contained the quoted passage above which stated that Newsnight was *'pursuing a particular angle relating to the CPS/Police'* which, as Mr Rippon accepts, ought to have been qualified as it told part, but not all, of the story.<sup>87</sup> However, Mr Rippon did not suggest such a qualification, and instead replied within half an hour, saying that the response email was fine with him.<sup>88</sup> This response was then sent to the Sunday Times later that day.<sup>89</sup>

50. Later that day, Mr Rippon emailed Ms Boaden and Mr Mitchell (copied to Ms Deller) to ask whether he ought to be briefing ITV about his position, stating that:

*'I dropped it because we were unable to establish any institutional failings by any party so we were left with very old allegations that were more sexual harassment than assault, made by woman [sic] who's evidence would have been undermined in a court because of their known character.'*<sup>90</sup>

51. This email appears to have been written quickly, and it seems likely that 'woman' should have read 'women'. Further, it seems that Mr Rippon could not have had the allegation of sex in the dressing room in mind when he made this comment. Even making such allowances, it is obvious that that this email fairly seriously underplays the case on the basis of what Mr Rippon then knew. When I put this to Mr Rippon, he explained that:

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<sup>86</sup> 12/166  
<sup>87</sup> 11/402-11/403; 11/404  
<sup>88</sup> 12/167  
<sup>89</sup> 12/170-171  
<sup>90</sup> 12/169

*'It's clearly written in frustration at this story not going away. .... I would have phrased it more accurately had I known it was going to become subject to an inquiry such as this.'*<sup>91</sup>

52. Despite his evident frustration at the fact the story was refusing to go away, Mr Rippon told me that he continued to operate from memory, and did not go back to the source material to refresh his memory.<sup>92</sup> In addition, he did not sit down and discuss matters with Mr Jones or Ms MacKean. When I asked Mr Rippon if this was because it was a raw subject between him and them, he told me that this was potentially the case, as by then he had formed *'suspicions about what was fuelling a lot of the press stories'*.<sup>93</sup>

53. The 29 August response was not the BBC's last word on the proposed Sunday Times story. On 6 September a letter was sent from external law firm Mills & Reeve to the Sunday Times on behalf of Mr Thompson and Ms Boaden. This referred to the 22 August email and Mr Hardy's response of 29 August, and indicated that the purpose of the email was:

*'... to remind you that the allegations... are of the most serious nature and highly damaging to both the professional and personal reputations of Helen Boaden and Mark Thompson. Neither Helen Boaden nor Mark Thompson had any involvement in the decision not to broadcast the Newsnight story and therefore, the allegations are untrue, wholly unsubstantiated and seriously defamatory and should not be published. Accordingly, we reserve the right on behalf of our clients to issue defamation proceedings arising out of the story you propose to publish if necessary.'*<sup>94</sup>

54. Mr Thompson explained that, by this stage the Press Office were confident that they understood the issues clearly, and:

*'....the best way of dissuading The Sunday Times Magazine from publishing allegations about Helen Boaden and me being involved in a conspiracy to suppress the Newsnight investigation is to send a letter from an outside law firm, which I guess carries the implication to a newspaper getting it that there is perhaps a greater chance that an individual will sue you for defamation, than if it feels like it is simply a push back from the BBC.'*<sup>95</sup>

55. Mr Thompson explained that, by the time he returned from holiday on 3 September for his final week and a half at the BBC (a large portion of which he

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<sup>91</sup> 11/405, lines 7-10

<sup>92</sup> 11/405, lines 21-25

<sup>93</sup> 11/406, lines 11-20

<sup>94</sup> 12/175

<sup>95</sup> 11/478

was to spend travelling to BBC offices outside London), this plan had been settled upon.<sup>96</sup>

56. While it is clear that Mr Thompson did approve the sending of the letter,<sup>97</sup> when I spoke to him he told me he had not been contacted by Mills & Reeve, and did not recall being briefed by the BBC's in-house lawyers, although it was possible he was 'very briefly' spoken to about it.<sup>98</sup> He told me that his assistant's recollection was that she printed the letter for him, but that he was 'very clear' he 'didn't read the detail of the letter'.<sup>99</sup>

## **7 September 2012 – BBC Notified of ITV Investigation**

57. On 7 September 2012, the BBC received a three page letter (addressed to Mr Entwistle who, it would appear, ITV had assumed was already in post as Director-General) from the Producer/Director of the ITV Exposure documentary setting out the allegations against Savile as they related to the BBC, and posing a number of questions for response.<sup>100</sup> The allegations included the following:

### ***'Newsnight (2011)***

*In the programme we make reference to the 2011 Newsnight investigation into Savile's private life and Newsnight's discovery that Savile had been the subject of a 2007 police investigation relating to historic cases of abuse. The programme will also refer to the BBC's subsequent decision not to broadcast this investigation.'*

58. Mr Mylrea told me that the BBC's response to this was driven by the BBC's legal team:

*'.... what was happening was that the legal team were looking into a range of things and they were -- it was when they were beginning to examine what there was on record, whether there was anything -- any evidence of any knowledge of Savile, and so my best recollection is this is when the legal team began to, sort of, if you like, principally lead on this project.'*<sup>101</sup>

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<sup>96</sup> 11/474-11/478  
<sup>97</sup> 11/481; 12/173  
<sup>98</sup> 11/479, lines 2-11  
<sup>99</sup> 11/480-11/483  
<sup>100</sup> 12/176-12/178  
<sup>101</sup> 11/295, lines 1-9

59. As part of this process, the BBC legal team spoke to Mr Rippon. Mr Mylrea told me that the outcome or contents of these meetings was not shared with him or with the communications team.<sup>102</sup> As he explained:

*'... we would check our lines with the legal team but we weren't receiving a stream of documents from the legal team saying, you know, "Your line is wrong" or "This is wrong.*

*What was happening was our statements were being checked by the lawyers to see whether they were correct or stayed -- or were in accordance with what they were understanding, so we were relying upon them to tell us if anything was -- that we had been saying was incorrect or was not right.'*<sup>103</sup>

60. Mr Thompson commented to me that the absence of communication with him about the press interest in the Savile story was *'striking'*.<sup>104</sup> In his view, the most likely reason for this was that his colleagues *'thought that this was a really well understood matter and they could adequately deal with it without drawing [him] into it'*.<sup>105</sup>

## **11 September – Mr Mitchell meets with Mr Jones**

61. The ITV letter did not come as a surprise to Mr Jones, who had been kept broadly informed of developments by Mr Williams-Thomas.<sup>106</sup>
62. On 11 September, Mr Jones had what he described as a *'very strange'* conversation with Mr Mitchell, instigated by Mr Mitchell.<sup>107</sup> Mr Jones told me that he was unsure of the point of the conversation, even after it had finished. In this meeting, Mr Mitchell told Mr Jones that there was no management interference in the decision not to proceed with the Newsnight story, which was a News decision.<sup>108</sup> Mr Jones told me that this meeting was also the first time he became aware that Mr Entwistle was aware of the story at the time.<sup>109</sup>

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<sup>102</sup> 11/296  
<sup>103</sup> 11/297, lines 1-6  
<sup>104</sup> 11/484, lines 5-16  
<sup>105</sup> 11/484, lines 11-16  
<sup>106</sup> 11/183  
<sup>107</sup> 11/188  
<sup>108</sup> 11/184-11/185; 11/258A-11/258B}.  
<sup>109</sup> 11/185-11/186.

63. In his interview, Mr Jones was asked whether he downloaded to Mr Mitchell the points that he had made in the unsent 'red flag' email. Mr Jones said that he started to do so, but that Mr Mitchell shut him down by saying that he understood how strongly Mr Jones felt about the dangers of not running the story.<sup>110</sup>
64. I asked Ms Boaden whether she considered asking for all of the underlying material herself. She said that she didn't (and was under considerable pressure at the time), but with hindsight '*bitterly regrets*' not doing so.<sup>111</sup>

### **Late September**

65. The hardening of the BBC's views surrounding what it was that Newsnight had investigated remains evident at this time. On 20 September, the BBC Press Office picked up a posting on the 'Digital Spy' website, which (correctly) claimed that Newsnight had investigated a similar story to that contained in the upcoming ITV documentary. However, Ms Rosine of the Press Office took exception to this in an email to other members of the Press Office:

*'... they haven't got the bit about Newsnight right.... Are people happy if we go back and correct that? .... We weren't investigating similar claims we were investigating a particular story relating to the CPS investigation which we could not substantiate and therefore did not air.'*<sup>112</sup>

66. After this was agreed, Ms Deller agreed to go back to them, with the existing line.<sup>113</sup>

*"We were pursuing a particular angle related to the CPS/Police which we were unable to substantiate and which was therefore not broadcast..."*

67. The ultimate result of this process was the BBC's response to ITV, issued by Mr Payne on 21 September. This contained the now familiar line that:

*'... the story was dropped for editorial reasons. Newsnight was pursuing a particular angle relating to the CPS/Police which they were unable to substantiate and which was therefore not broadcast...'*<sup>114</sup>

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<sup>110</sup> 11/187-11/188

<sup>111</sup> 11/038

<sup>112</sup> 12/179-12/180

<sup>113</sup> 12/179



## **PART SIX - THE BBC'S BLOG AND ITS AMENDMENT**

### **CHAPTER I – THE CREATION AND PUBLICATION OF THE BLOG**

1. In this chapter I consider the creation of the blog, and what was occurring internally within the BBC at the start of October 2012.

#### **1 October – Discussions among the Newsnight team**

2. By 1 October, the ITV documentary broadcast was imminent, and there was on-going discussion among the Newsnight team as to whether Newsnight should transmit a film dealing with the Savile allegations.
3. It does not appear that there was any pressure by management not to broadcast such a story, although Mr Mitchell told me that he told Mr Rippon that any such story should have '*something to add to the coverage that's already out there*' – that is, that it ought not to be done solely for the purposes of preserving Newsnight's reputation.<sup>1</sup>
4. Mr Rippon seems to have been of the same point of view regarding whether Newsnight should cover the allegations.<sup>2</sup> When, on the morning of 1 October Editor of the Day Neil Breakwell enquired as to whether there was any Newsnight material on Savile which should be revisited,<sup>3</sup> Mr Rippon stated that, in his view, it would be a '*bit bizarre*' to '*jump on ITVs wagon at this point*'.<sup>4</sup> This view prevailed, and Newsnight did not cover the story that night. Indeed, Newsnight did not do so until 11 October, after the story had been dominating headlines for over a week.
5. Mr Rippon's response led to some very terse exchanges, which showed that the difficult relationship and disagreements between Mr Rippon and his team continued. After reading Mr Rippon's email to Mr Breakwell, Mr Jones wrote to Mr Rippon accusing him of attempting to rewrite history:

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<sup>1</sup> 11/259, Lines 4-20

<sup>2</sup> 11/407 – 11/408

<sup>3</sup> 12/182

<sup>4</sup> 12/182



*'Peter – I'm happy to accept the line that the Newsnight Savile paedophile investigation was dropped for Editorial Reasons – even if I strongly disagreed with that decision as I made clear. What disturbs me is any attempt to rewrite history. If there is an investigation into this – by the BBC Trust or HoC Culture and Media Committee for instance – we have to be honest... You made the decision that we had enough to TX once we had confirmation that the police had investigated him – on top of the victim x interviews which we had already done... I don't know what happened to change your mind and I thought that was a bizarre decision but I accepted that you had decided to drop the story for Editorial Reasons because ultimately you are the Editor and it is up to you to make those calls and decide which stories should be prioritised'.<sup>5</sup>*

6. Mr Rippon drafted a response, but instead of sending it directly to Mr Jones he forwarded it to Mr Mitchell for his comment. Mr Rippon's draft response refuted the allegation that he was rewriting history:

*'The truth is I was always conflicted about the editorial strengths of the story. As were Liz and Shaminder who I discussed it with a [sic] length. As you will recall when you first mentioned it I said I did not think it was a NN type story....in the final judgement when we were told in terms... the old sick man allegation was not true and we could not establish any clear institutional failure I decided on balance it was not editorially strong enough for us to run it'.<sup>6</sup>*

7. Mr Mitchell suggested that Mr Rippon talk to, rather than email, Mr Jones as *'e mails seem more prone to leak'.<sup>7</sup>* While Mr Jones has denied he leaked any emails,<sup>8</sup> and Mr Mitchell has denied that he was specifically suggesting that Mr Jones would himself leak any reply,<sup>9</sup> it seems clear to me that (whatever Mr Mitchell now says) this is precisely what Mr Mitchell was suggesting to Mr Rippon. This is consistent with the level of suspicion and mistrust which appears to have by this stage become pervasive.
8. Instead of sending this email, Mr Jones met with Mr Rippon and these matters were discussed without, it appears, Mr Jones explicitly accusing Mr Rippon of having been subject to external pressure to drop the story.<sup>10</sup> While this does not seem to be disputed, there is an important conflict between Mr Rippon's and Mr Jones's accounts of the content of their conversations that day. While Mr Rippon cannot clearly recall the nature of the conversation, he is adamant that Mr Jones had told him that [R1] was part of the Police investigation, and he

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<sup>5</sup> 12/186 - 187

<sup>6</sup> 12/186

<sup>7</sup> 12/186

<sup>8</sup> 11/189 – 11/190

<sup>9</sup> 11/260

<sup>10</sup> 11/191, Lines 18-24; 11/416 – 11/418

says that, in a separate phone conversation that same day, Mr Jones explicitly told him that '*basically all the women had been involved in the police investigation*'.<sup>11</sup> Mr Jones, while accepting that he told Mr Rippon that the Gary Glitter claims were nothing which a police investigation could use (or words to that effect) denies that he told Mr Rippon that all of the women had spoken to the Police. Further, he says he told Mr Rippon the exact opposite.<sup>12</sup>

9. The fact that not all the women had been in contact with the police was an important fact which Mr Rippon had failed to grasp. Both Mr Jones and Ms MacKean had consistently been clear that the significance of [R1] was not only that she provided on-camera testimony, but that she had not been spoken to during the earlier police investigations. Mr Jones had pointed this out to Mr Rippon in his email of 10 February 2012<sup>13</sup> and this fact was consistently the basis for Mr Jones's and Ms MacKean's contention that Newsnight had more evidence than the police had. In contrast, Mr Rippon's emails suggested that he had not always understood the detailed nature of the evidence that Newsnight had found, for example, in his email of 9 February 2012.<sup>14</sup> To the extent that Mr Rippon took away from this conversation with Mr Jones on 1 October the message that all the women had been in contact with the police, I'm afraid that, not for the first time, Mr Rippon had got the wrong end of the stick.
10. Separately, Mr Rippon asked Ms Gibbons for her thoughts on what he described as '*Saville [sic] gate*'. In an email exchange, the two agreed that they were '*absolutely right*' not to run the story in 2011, and that the material trailed by ITV did not appear to be much stronger than that gathered by Newsnight.<sup>15</sup>

## **1 October - Media Questioning**

11. At the same time, media questioning regarding the Newsnight story was continuing. One strand of questioning related to the allegation that improper

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<sup>11</sup> 11/421, Lines15-25

<sup>12</sup> 11/192

<sup>13</sup> 12/143

<sup>14</sup> 12/137

<sup>15</sup> 12/185

pressure was applied to drop the story. In this regard, Helen Deller issued a statement in response to a request for comment from the Guardian:

*'It is absolutely untrue that the Newsnight investigation was dropped for anything other than editorial reasons. We have been very clear from the start that the piece was not broadcast because the story we were pursuing could not be substantiated. To say otherwise is false and very damaging to the BBC and individuals. To allege that we are withholding evidence from the police is also damaging and false. The notion that internal pressure was applied appears to be a malicious rumour'.*<sup>16</sup>

12. Ms Deller fielded further enquiries, from a number of outlets,<sup>17</sup> including as to whether Mr Entwistle had any role in the decision not to pursue the story.<sup>18</sup>
13. Another strand of questioning which began to emerge at this time, initially from journalists at the Guardian and the Sun, related to whether the BBC had withheld information from the Police. The number of people discussing the response to this questioning illustrates the growing effort being devoted by the BBC to the issue. It was discussed by Mr Rippon, Ms Deller and Mr Feeny in an email chain to which Mr Payne, Ms Boaden, Mr Mylrea, Mr Mitchell and Valerie Nazareth, a BBC lawyer were copied. The BBC Press Office's suggested response was to emphasise that there was no reason to believe that the information provided by [R1] was not already known to the Police.
14. Twice in this chain Mr Rippon erroneously confirmed the accuracy of this line, and in particular that *'We had nothing that she would not have told the police already'*.<sup>19</sup> Mr Rippon says that he confirmed these statements as, at that stage, he was under the impression that [R1] had been part of the Police investigation.<sup>20</sup> This was a major mistake that proved difficult to correct. It is not easy to understand why Mr Rippon held this view.
15. Slightly later, Mr Rippon volunteered in a further email that *'[w]hat was alleged about Glitter and Starr was a long way from anything the police would have considered helpful. With Starr it was not even abuse or with anyone*

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<sup>16</sup> 12/183; 12/190

<sup>17</sup> 12/200

<sup>18</sup> 12/197

<sup>19</sup> 12/192 – 12/193

<sup>20</sup> 11/419, Lines 15-16

*underage.*<sup>21</sup> He cannot recall whether this was triggered by a thought from his own memory, or by a conversation with Mr Jones.<sup>22</sup>

16. Quite separately, increasingly convoluted discussions were occurring among the BBC Executive as to its corporate position. For example, during the afternoon of 1 October Paul Mylrea, David Jordan, Julian Payne and Nadia Banno debated a '*slight tweak*' to its '*Savile line*' to include a statement from Rippon insisting that the decision was an editorial one and any claim that internal pressure was applied is a malicious rumour.<sup>23</sup> Cooks and broth come to mind. Once these 'lines' were agreed, they were circulated to Ms Cecil and Mr Entwistle.<sup>24</sup>
17. The complete distrust of Mr Jones which I referred to above extended to the News PR team. Ms Deller and Mr Feeny were, by this stage, evidently concerned about the continuing leaking of material to the media, of which they assumed Mr Jones to be the source.<sup>25</sup> The pair had taken the view that this should lead to disciplinary action against Mr Jones and even his dismissal. In an email exchange later that night, after Ms Deller learned of Mr Jones's family connection to Duncroft,<sup>26</sup> Ms Deller said to Mr Rippon, Mr Mitchell and Mr Feeny: '*No excuse. No more discussions with him*', suggesting '*a discreet conversation with HR to establish options*'.<sup>27</sup> These comments illustrate graphically that battle lines were now being drawn up. On one side was Peter Rippon's view: he was being supported, effectively, by News Division management, the Press Office and other senior individuals. On the other side were Mr Jones and Ms MacKean with it being assumed that Mr Jones was making use of contacts in the national media. This apparent 'stand off' made calm and objective assessment of the facts more difficult.

## **2 October 2012 – A Briefing Note is prepared**

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<sup>21</sup> 12/196  
<sup>22</sup> 11/420, Lines 2-6  
<sup>23</sup> 12/188 – 12/189  
<sup>24</sup> 12/199; 12/212 – 12/213  
<sup>25</sup> 12/201  
<sup>26</sup> 12/204 – 12/207  
<sup>27</sup> 12/208

## ***The Briefing Note***

18. The content of the blog had its genesis in a briefing note which Mr Rippon prepared during the morning of 2 October at Mr Mitchell's request.<sup>28</sup> The request was prompted by the continued press coverage and the fact that '*obviously various members of staff are putting their version out there*'<sup>29</sup>. One can readily infer that this was a reference (in particular) to Mr Jones and to Ms MacKean.
19. Mr Rippon was asked by Mr Mitchell to outline '*the decision making process from commission to decision not to proceed, as best as you can recall*'<sup>30</sup>. The briefing note was to be '*for our use*'. While no timeframe was set for the creation of this note, Mr Rippon was aware that it was a task which was to be prioritised and done as soon as possible,<sup>31</sup> and he agreed to write it very quickly – by lunchtime – apparently motivated by the fast moving nature of press coverage.<sup>32</sup>
20. Mr Mitchell says that the briefing note was intended for internal use initially,<sup>33</sup> to serve as '*a sort of tool in the toolkit should events develop, either externally or internally*'.<sup>34</sup> However, it also seems to have been acknowledged that there may be a need for at least a second '*edited version*' of the account to be released externally,<sup>35</sup> and Mr Rippon seemed keen to do this '*as it seems to be my reputation in the firing line*'.<sup>36</sup>
21. There are a number of striking features which prompt comment at this stage. The first is that it was clear from the outset that this briefing note could never be relied upon as a full and complete account of events as it was prepared at speed and on the basis of Mr Rippon's recall alone. Mr Rippon was not asked to go back to relevant source material. Unfortunately, the lack of proper

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<sup>28</sup> 11/261, Lines 15-22  
<sup>29</sup> 12/209  
<sup>30</sup> 12/209; 11/423, Lines 4-23  
<sup>31</sup> 11/423, Lines 20-24  
<sup>32</sup> 12/210; 11/262 – 11/263  
<sup>33</sup> 11/261 – 11/263  
<sup>34</sup> 11/263  
<sup>35</sup> 12/211  
<sup>36</sup> 12/211

preparation at this stage contributed to the later difficulties which arose in relation to the blog which followed this briefing note.

22. Ms Boaden made the comment that the timeframe in which the note was prepared was '*not really short in news terms*'.<sup>37</sup> I understand what Ms Boaden is saying, but I think this exercise required the time and the approach necessary to get the briefing note right. On the one hand, Mr Mitchell envisaged a document which might be used as the basis for external comment yet, on the other hand, he asked Mr Rippon to prepare it as best he could recall. As I say above, these turned out to be errors of significance.
23. I doubt that the preparation of an accurate briefing note would have been an onerous task. Mr Entwistle commented that he '*wouldn't have expected Peter Rippon to have to do much archaeology about an investigation of which he was the executive producer*' as '*I would have expected him to have, you know -- a collection of emails that related to his supervision of the investigation that would really give him a pretty good guide to what had happened*'.<sup>38</sup>
24. Mr Rippon says that he did go back to [R1] web memoir and to the final statement from the CPS, and that he may have referred to the ROUGHSAVILE 2 script, but that otherwise this document was produced (as requested) from his memory.<sup>39</sup> Although Liz MacKean suggested these failures indicate that Mr Rippon was '*guilty of gross carelessness*',<sup>40</sup> this is clearly not a matter Mr Rippon can be entirely faulted for. Mr Mitchell's request was not for him to produce an account by reference to the source material, or to talk to others, or indeed to take any steps to refresh his memory. It was merely to set out the facts, to the best of his recollection. This Mr Rippon did.
25. It is also striking, in circumstances where Mr Rippon was only being asked to provide an account to the best of his recollection, that Mr Mitchell did not consider it necessary to make the same request of Mr Jones or Ms MacKean. It appears that this was a function of the chain of command within BBC News:

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<sup>37</sup> 11/042, Lines 12-13

<sup>38</sup> 11/083, Lines 11-23

<sup>39</sup> 11/424 – 11/425

<sup>40</sup> 11/231, Lines 6-10

Mr Mitchell would go to Mr Rippon, and Mr Rippon would go to Mr Jones or Ms MacKean if *he* considered it necessary.<sup>41</sup> This point was debated between Reed Smith and Mr Mitchell's lawyers, Taylor Wessing, who explained that Mr Mitchell's view was that any checking of facts would have been Mr Rippon's own responsibility and it is, therefore, Mr Rippon who should have spoken to Mr Jones and Ms MacKean about their concerns. When Mr Rippon was asked if this was not a slightly bureaucratic way of doing it, and that it might have been better, given the timeframe involved, to go directly to the others, Mr Mitchell replied:

*'... I want the view of the editor who made the decision. That's the most important thing from my point of view. You might consider it bureaucratic, but that is the role of the editor'.<sup>42</sup>*

26. This decision is particularly puzzling in light of Mr Mitchell's conversation with Mr Jones the previous month, from which Mr Mitchell was aware that Mr Jones remained concerned about Mr Rippon's decision making. It should have been apparent from this that Mr Jones and/or Ms MacKean may well have had a different perspective on the relevant factual matters. In my view, Mr Mitchell should have spoken to Mr Jones and/or Ms MacKean. He knew that there were differences of opinion between them and Mr Rippon and, in the circumstances, while the view of Mr Rippon, the editor who made the decision, was extremely important, Mr Mitchell should have gone further.
27. Lest there be any doubt as to the impact of this failure, Ms MacKean told me quite emphatically that had she been consulted she *'would never have agreed that he should say what he said because it was so far from correct'.<sup>43</sup>* In my view, this was a serious omission.
28. Despite the time constraints, Mr Rippon did produce the promised briefing note by lunchtime (having had a maximum of 3 hours in which to prepare it and, in

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<sup>41</sup> 11/264, Lines 8-10

<sup>42</sup> 11/264, Lines 16-19

<sup>43</sup> 11/231, Lines 3-5

practice, spent rather less time than this)<sup>44</sup> and sent it to Mr Mitchell and Ms Boaden in an email which also advised that he would begin work on a blog.<sup>45</sup>

29. The briefing note was, it is now clear, factually flawed in a number of critical respects.

- It confused two significant witnesses who were interviewed on film. First, Mr Rippon stated that: *'the key witness was alleging that the police had investigated it but had dropped it on the grounds he was too old'*, whereas the 'key witness' [R1] made no such allegation. In the next paragraph, he stated that *'We had no evidence that anyone from the Duncroft home should have known about it, and the key witness said in her original blog she was "perfectly certain the BBC had no idea whatsoever of the goings on"'*. While this is, in isolation, correct, this comes from a different witness to that referred to in the previous paragraph. The clear impression conveyed is that these statements came from the same witness.
- This is compounded in the following paragraph: *'We felt it best to interview the key witness on tape to ensure we had her story'*.<sup>46</sup>
- Thus, there is the same confusion of the accounts of the two different women which was present in Mr Rippon's response (again prepared from his memory without reference to the source material) to Miles Goslett's original queries in 2011. From at least as early as December 2011 (see, for example, his email of 21 December 2011<sup>47</sup>), Mr Rippon had elided the accounts of two separate individuals into one, thereby confusing their stories and laying the foundations of the confusion to come. It is hard not to conclude that Mr Rippon did not take enough care in learning the details of the evidence provided.

30. The inaccuracies in the briefing note itself were compounded in Mr Mitchell's email in response, which thanked Mr Rippon for what would be *'in effect the*

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<sup>44</sup> 11/426

<sup>45</sup> 12/214 – 12/215

<sup>46</sup> 10/095, Para 7

<sup>47</sup> 12/118



*detail behind our existing public position, namely that Newsnight had focused on a [very] specific approach and when that didn't stack up dropped the project on editorial merit.*<sup>48</sup> Thus the briefing note was being used as evidence supporting another flawed contention (not itself made in the statement), that is, that the focus had always been on the Police investigation.

### **From Briefing Note to Blog**

31. As soon as Mr Rippon had finalised the briefing note, he turned to the preparation of a blog. It is unclear precisely where the initiative for a blog came from. Mr Mitchell clearly envisaged a public statement being prepared<sup>49</sup> but the most likely source is the Press Office: Ms Boaden suggested that the idea may have come from the Press Office,<sup>50</sup> Mr Rippon recalled a conversation with Helen Deller on the morning of 2 October where the idea was floated<sup>51</sup> and Mr Mylrea said that the Press office was '*pushing for something*' although he thought it was News who suggested a blog.<sup>52</sup>
32. It was clear from the start that Mr Rippon's blog would be a selective account of what had occurred. Mr Mitchell told Mr Rippon that the blog would '*obviously have to steer away from [s]ome of the elements of witness reliability but in essence can [follow] the same lines*'.<sup>53</sup> Mr Mitchell was not alone in this view. The BBC Press Office, aware of how the ITV documentary had been trailed by reference to the veracity of the women was (as Ms Boaden put it) '*anxious*' that the BBC not say that they did not believe some of the women.<sup>54</sup>
33. Mr Rippon had already made Mr Mitchell aware of the difficulty which would arise in terms of putting his side of the story externally due to being unable to '*point to many of the weaknesses in the story*' which led to his decision not to run it.<sup>55</sup> Thus, from the outset it was clear that any external comment made by Mr Rippon would not be a full and completely frank account of the decision

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48 12/216  
49 12/211  
50 11/040  
51 11/427, Lines 8-20  
52 11/288, Lines 17-21  
53 12/216  
54 11/039, Lines 22-25  
55 12/210

making process, but instead a limited and circumspect one. Indeed, Mr Rippon has explained that not only was he reluctant to question the witnesses' reliability, but he was also reluctant to criticise his team for the way the investigation was conducted:

*'I felt slightly hamstrung when I was writing the blog about how fair it was to someone like [R1] for me to say -- you know, for me to appear to be kind of criticising her or doubting her, particularly in the context of the hundreds of other people I think at this point that were -- that were coming out. And I didn't think it was -- so yes, I did feel slightly hamstrung by the extent to which I wanted to make that explicit in the blog. And also some of the issues I had about the way the testimony had been collected, I didn't want to get into that either because it would have looked like I was criticising my team.'*<sup>56</sup>

34. Mr Mylrea said that he was aware that there might be issues that might not be in the blog because of 'confidentiality' and other concerns.<sup>57</sup> I comment below on the role and managerial oversight of the blog. At this stage I merely point out that, from the outset, both the briefing note and the blog were flawed documents. The instructions given by Mr Mitchell to Mr Rippon meant that the briefing note was most unlikely to be sufficiently reliable to meet the purpose that Mr Mitchell quickly assigned to it. A number of people then compounded the error by acquiescing in the production of a blog which was not a full and completely frank account of the decision-making process. Yet further errors followed, which I deal with below.

35. Mr Rippon prepared a draft of the blog at considerable speed (approximately two hours), and circulated this to Mr Mitchell, Ms Boaden, Mr Feeny and Mr Mylrea (copied to Ms Deller) early in the afternoon of 2 October.<sup>58</sup> From this stage, both Corporate and News PR became involved in the blog's production, and a series of emails suggesting 'tweaks' were exchanged, culminating in a decision to publish a final version later in that afternoon.<sup>59</sup> In one of the 'tweaking' emails, Mr Mylrea relayed a suggested change from Andrew Scadding, the BBC's Head of Corporate and Public Affairs, in an email which was copied to Jessica Cecil, so it is evident that Mr Entwistle's office was also involved.

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<sup>56</sup> 11/422, Lines 2-14

<sup>57</sup> 11/292, Lines 13-19

<sup>58</sup> 12/219 – 12/220

<sup>59</sup> 12/222 – 12/226

36. In light of the sensitivity around citing disbelief of the witnesses, it was decided, as Ms Boaden put it: to use the *'rather measly and mealy mouthed, "Editorial reasons" which of course tells you nothing'*.<sup>60</sup> Mr Mitchell defended this on the basis that Mr Rippon was still able to get across what he considered the key point: that Mr Rippon *'had made the decision for himself as a good and strong editor'*.<sup>61</sup> Ms Boaden, however, admitted that she was *'very uncomfortable... with the idea of 'editorial reasons', because it was a 'euphemism'*.<sup>62</sup>
37. While Mr Entwistle says he was unaware of this aspect of the blog's preparation, he commented that *'it does seem to me ... he can still have written a blog in which everything was true, which was not a blog in which he had written everything...'*<sup>63</sup> He acknowledged however, that if a view that [R1] evidence was unreliable was the real reason that the story was not run, then the omission rendered the blog inaccurate.<sup>64</sup>
38. The text of the blog which was published at 5.05pm on the evening of 2 October was as follows:

*'There has been a lot written about why I took the decision not to run a story into allegations of sex abuse by the former BBC presenter Jimmy Savile. It has been suggested I was ordered to do it by my bosses as part of a BBC cover-up. It has also been suggested that we deliberately withheld information from the police. Both these allegations are totally untrue and despite consistent strong denials keep getting repeated. I felt it would be useful to share more about what really happened.*

*The BBC has the highest editorial standards and with any story an editor has to weigh many things before putting something to air. BBC editors have a lot of power and responsibility and I have never, in the many years I have done this job, ever been told by one of my superiors not to do a story against my will. I would not still be working here if they had.*

*Why did I pursue this story about Jimmy Savile and why did I drop it?*

*I decided we should pursue the story because of the nature of the allegations and because the key witness told us the police had investigated the claims but the case had been dropped on the grounds he was too old. This made the public interest case from a Newsnight point of view potentially strong. If we could establish some sort of institutional failure we would have a much stronger story.*

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<sup>60</sup> 11/041  
<sup>61</sup> 11/265, Lines 7-14  
<sup>62</sup> 11/048, Lines 12-23  
<sup>63</sup> 11/084, Lines 18-25  
<sup>64</sup> 11/091 – 11/092

*Some of the factors on the other side were: Newsnight is not normally interested in celebrity expose. Savile was unable to defend himself. What was the public interest served by reporting it given he is dead? The nature of the allegations and the level of proof required. The fact the incidents were 40 years ago.*

*We had no evidence that anyone from the Duncroft home could or should have known about the allegations. We had no evidence against the BBC. In her original statement our key witness said she was "perfectly certain the BBC had no idea whatsoever of the goings on". However, I felt if we could prove the police or the CPS had let the women down in some way we should go ahead.*

*We did establish the police had investigated the allegations in 2007. However, as the police would be obliged to investigate I wanted to check how they would respond to the allegation that it was not pursued because Jimmy Savile was too old. The CPS told us:*

*"The CPS reviewing lawyer advised the police that no further action should be taken due to lack of evidence." The additional guidance noted stated. "As this is the case, it would not be correct to say that his age and frailty was the reason for no further action being taken."*

*This statement specifically denied the allegation that the investigation was dropped because of his age. I felt it was significant the guidance was included and we had not established any institutional failure and I judged it weakened the story from a Newsnight perspective. I took the decision not to publish. There were some of my team who disagreed strongly with my judgement, and others who agreed equally strongly.*

*However, those who disagreed accepted my decision. There were no rows of any kind as has been reported.*

*Did we withhold evidence from the police? No. We are confident that all the women we spoke to had contacted the police independently already. We also had no new evidence against any other person that would have helped the police.*

*Did my bosses order me to do anything? No. I did discuss it with my bosses in News in the same way I do any contentious story we are working on. I was told in the strongest terms that I must be guided by editorial considerations only and that I must not let any wider considerations about the BBC affect my judgement.*

*The fact that the BBC has the capacity to do this may feel odd to other organisations but it is fundamental to the trust we share with our audience.'*

39. Within an hour of the blog being published, Jeremy Paxman, a senior presenter on Newsnight, emailed Mr Rippon to say that the blog '*doesn't answer all of the accusations laid against us*'.<sup>65</sup> He continued: '*I have to say, I think we make a problem for ourselves by running away from this story.*

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<sup>65</sup> 12/228

1. *It's everywhere.*
2. *It raises questions about the way in which the claims of child abuse victims are treated.*
3. *It raises serious questions about journalistic ethics – different burdens of proof for the living and the dead – which are slap-bang in our terrain.*
4. *We have a locus on the story, which needs explaining if we're going to lay the "patsy" accusation.*
5. *We have our own journalism.*

*Even though we'd be very late starting on it, can I ask you to reconsider?*

40. This was followed by further emails between Mr Paxman and Mr Rippon in which Mr Rippon agreed '*we are in an awkward position*'<sup>66</sup> but resisted the idea of running the story on Newsnight, saying it would amount to '*special pleading*'. Mr Paxman said that there were questions to be answered and added '*if we don't tackle it, I fear it looks like we're hiding*'.<sup>67</sup> Mr Rippon replied that not covering the story '*is the least worst option*'. Mr Paxman continued the email exchange saying '*just for the record, I think it is very unfair (and sadly not at all untypical) that the BBC has dumped all this on one individual*'.<sup>68</sup>
41. The email exchange continued with Mr Paxman suggesting that the decision not to run the Savile investigation '*must have been a corporate decision (whatever your blog says)*',<sup>69</sup> to which Mr Rippon replied:-

*'It wasn't corporate honestly. I guess I may be guilty of self-censorship. In the end I just felt what we had ... Forty year old contestable claims about a dead guy was not a NN story and not worth the fuss'*.<sup>70</sup>

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<sup>66</sup> 12/229

<sup>67</sup> 12/229

<sup>68</sup> 12/230

<sup>69</sup> 12/237

<sup>70</sup> 12/237

## The Role of the Blog

42. Mr Rippon's blog was published on the BBC's Editors' Blog site: 'The Editors'. There is an evident tension between the journalistic and public relations aspects of this site, which was described by Mr Mitchell (and to similar effect by Ms Boaden) as one '*where editors from across BBC News explain stories and share their dilemmas and other issues with the public*'.<sup>71</sup>
43. Mr Rippon viewed the blog as an opportunity for him, as Editor, to communicate with his audience. He told me that, as a result of the ITV Exposure documentary which would transmit the following day, and the fact there had been press coverage of his decision, he '*felt that the Newsnight viewers would probably appreciate an account from me as to why, when they are watching.. Exposure.. wondering why I hadn't run the piece..- that they would deserve an explanation of that. That was the spirit in which I agreed to write it*'.<sup>72</sup>
44. Ms Boaden characterised posts on the BBC's Editors' Blog site as forming part of the BBC's journalism, and agreed that, as such, the site's content must meet usual editorial standards.<sup>73</sup> However, it is apparent that there was at the very least a muddling of roles, as blog posts are created in liaison with the BBC News Press Office.<sup>74</sup> Mr Entwistle defended the Press Office's involvement, although suggested it ought to be limited:

*'Because the blog is seen as a public facing exercise in explaining how the BBC does what it does, then the press office involvement, I think, is appropriate in terms of, you know, consistency and making sure that the phraseology is as good as it could be and that kind of thing.*

...

*I would never want the press office to get involved in journalism, under any circumstances. I mean, when the journalism was stable and you were selling the journalism, either to your audience or the outside world, sure, but it's not like getting the marketing department involved in shaping a piece of stuff that you are marketing, it is a different thing'.*<sup>75</sup>

45. Mr Entwistle also acknowledged the blurred role played by the blog:

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<sup>71</sup> 10/090, Para 22; 11/047, Lines 6-8

<sup>72</sup> 11/428, Lines 4-9

<sup>73</sup> 11/047 – 11/048

<sup>74</sup> 11/411 – 11/413

<sup>75</sup> 11/089, Lines 15-20; 11/090, Lines 1-8

*'I think there is a sense in which it isn't journalism because it is about the workings of the BBC. So, in other words, it is reflexive. Unusually – we don't spend a lot of time talking about what we do... . Arguably, they don't do enough, and the editors' blog was a real attempt when it was brought in to make the whole process more transparent and give people more insight into how decisions were arrived at but I think the answer is it must have all the same standards of accuracy and impartiality and all the other BBC values, but it is not journalism in quite the same way...'.<sup>76</sup>*

46. For his part, Mr Mylrea considered that the role played by the Press Office in its creation was superficial and advisory only:

*'An editor's blog is an editorial product and therefore there is no right -- I have no right to sign it off or to -- or to challenge it. I can make stylistic suggestions but they can be refused. It is therefore a product which is supposed to have the same principles as the BBC News journalism'.<sup>77</sup>*

47. It seems to me that the BBC is not clear in its own mind whether a blog is, or is not, part of the BBC's journalism and, as such, subject to usual editorial standards. If the blog was subject to editorial standards, it clearly breached a number of these. Information about relevant editorial standards is in Part One but it seems clear that, at the least, the following standards may have been breached:-

- The obligation in clause 44 of the Framework Agreement on the BBC to “do all it can to ensure that controversial subjects are treated with due accuracy...”. The commitment set out at paragraph 1.2.1 of the editorial values on the part of the BBC “to achieving the high standards of due accuracy” as well as similar obligations at paragraphs 1.2.2 and 3.2.1.;
- The obligation at paragraph 3.4.2 to “check and verify information, facts and documents, where required to achieve due accuracy.”

### **Managerial Oversight of the Blog**

48. The preparation of the blog can only be described as chaotic. I comment above on the flaws in the process which led to the blog. It is up to the BBC how it chooses to make public statements but whatever that method is, preparation of those statements should surely be considerably better organised and

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<sup>76</sup> 11/090, Lines 11-23  
<sup>77</sup> 11/291, Lines 19-24

controlled than happened with the Savile blog. That it was not possible to establish with certainty where the idea for a blog came from is indicative of a lack of control in the blog process. The impression given is of no particular individual being in control of and responsible for that process who was charged with ensuring that the document produced was precise and accurate. I consider that what can only be described as a rather chaotic approach unfortunately continued after the blog was published. I deal with this below.

49. Although it is clear that this blog was signed off, there also appears to be some dispute – or at the very least confusion – as to extent to which blogs are subject to oversight or ‘sign off’ by management,

Mr Rippon complained that:

*‘... since Hutton, there is a very strict compliance process around anything which is published by editors in the BBC's name. So anything that I write -- any blog that I write has to be signed off by my line manager and agreed by the press department ... So I'm not allowed to publish anything -- I'm allowed to do anything -- ironically I'm allowed to do anything on my programme between 10.30 and 11.15 that I like and be responsible for it, but I'm not allowed to publish anything written in the form of a blog without it being signed off corporately’.*<sup>78</sup>

50. By contrast, the managers up the chain from Mr Rippon had a different view. Mr Mitchell suggested that, despite their important role, editors’ blogs are *‘not always overseen or checked by management’*. Both he and Ms Boaden insisted that these are the responsibility of the editors themselves, and that the detailed supervision of such blogs do not lie within their responsibilities.<sup>79</sup> Mr Entwistle suggested there was an element of truth to this as:

*‘... an editor -- a BBC News editor at an editor grade, senior manager 2, is allowed to go to air with their own blog without referring it upwards, because they are in that level of the organisation where they are entitled to take responsibility for their output. They can, in fact, do a blog without getting it signed off.*

But that anyone further down the chain:

*‘Would have to get an approval. That was the whole idea of the editors' blog. It was an attempt to join a world of self-publication and pitch it at a level where people were*

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<sup>78</sup> 11/409, Lines 3-13

<sup>79</sup> 10/090, Para 22; 10/007, Para 40



*considered senior and experienced enough to make judgements go about going to air unsupervised*.<sup>80</sup>

51. It does not appear that the BBC has a formal policy on whether editorial blogs need to be overseen. However, Mr Rippon suggested that, post-Hutton, such oversight did occur in practice, and further complained that the '*compliance*' requirements of this resulted in him and other editors writing blogs less frequently than they had previously done.<sup>81</sup> Further, Mr Entwistle told me in his interview that, while his testimony to the Culture and Media Select Committee may have suggested otherwise, his sense was that the blog was something Mr Mitchell '*would have had sight of and approval of*',<sup>82</sup> and he would also have expected the Press Office to be involved with '*the business of fine-tuning the language for publication*'.<sup>83</sup>
52. Mr Mitchell said that his oversight was limited to ensuring that the blog posting did not stray into sensitive matters regarding the witnesses.<sup>84</sup> He said that he was satisfied that it dealt effectively with '*the inaccurate allegations in the press about the reasons for dropping the investigation*'.<sup>85</sup> Ms Boaden was more circumspect in her statement, saying simply that she '*thought that none of it appeared to contradict what she had been told previously*'.<sup>86</sup>
53. Mr Mitchell appeared to want to play down his role and any responsibility for the blog. In response to a question whether he and Helen Boaden had '*gone through*' the blog '*really rather carefully*', he replied that "*it was gone through, certainly*". He told me that he saw the blog as Mr Rippon's '*opportunity to make his position clear*'.<sup>87</sup> Mr Mitchell clearly signed off on the blog. He signalled his agreement with the final blog in an email sent at 4.18pm that afternoon<sup>88</sup>. When Mr Entwistle was shown this email in his interview, he thought that this was a managerial sign off.<sup>89</sup> Mr Entwistle himself said that he glanced at the

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<sup>80</sup> 11/088 – 11/089

<sup>81</sup> 11/410 – 11/411

<sup>82</sup> 11/087, Lines 1-6

<sup>83</sup> 11/087, Lines 10-15

<sup>84</sup> 11/266 – 11/267

<sup>85</sup> 10/090, Para 23

<sup>86</sup> 10/007, Para 40

<sup>87</sup> 11/266, Lines 8-11 & Lines 16-23

<sup>88</sup> 12/222

<sup>89</sup> 11/088, Lines 3-5

blog on Mr Mylrea's computer, from which he gathered that its function was to rebut allegations that Mr Rippon had been subject to improper pressure.<sup>90</sup> Ms Boaden's lawyers, in correspondence with Reed Smith, asserted that Ms Boaden did not sign off on the blog. However, at 4.53pm she sent a text message to Mr Rippon which said '*Excellent blog. You are a terrific writer x*'.<sup>91</sup>

54. I have concluded that there were significant failings in the managerial oversight of Mr Rippon's blog.
55. First, a relatively casual briefing note prepared, at the request of Mr Mitchell, for internal purposes, was quickly repackaged for presentation to the public. As Ms Boaden put it, there was a shift from '*What do you remember Peter? To being a blog without anybody noticing*'.<sup>92</sup>
56. Secondly, the error was compounded by Mr Mitchell in not only immediately categorising the briefing note as '*the detail behind our existing public position*'<sup>93</sup> but also in causing the blog, from the outset, to omit a significant and central part of the story when he instructed Mr Rippon '*to steer away from some of the elements of witness reliability*'.<sup>94</sup> Therefore, to the extent Mr Mitchell had a management role in ensuring the accuracy of the statement, all that was achieved was ensuring that a significant and central part of the story was omitted.
57. This lack of clear leadership in relation to the blog contributed to the lack of clarity in the document and in respect of the blog's purpose. As with the earlier briefing note, no attempt was made to check the relevant facts with anybody other than Mr Rippon and, strangely, while Mr Mitchell agreed that the blog was not an ordinary blog post, he did not accept that it was viewed as an important public statement of the BBC's position.<sup>95</sup> He told me that he viewed it – rather as Mr Rippon did – as an opportunity for Mr Rippon to make his personal position clear. While I have sympathy with Mr Rippon having that view, I find it

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<sup>90</sup> 11/093 – 11/094

<sup>91</sup> 12/227

<sup>92</sup> 11/043

<sup>93</sup> 12/216

<sup>94</sup> 12/216

<sup>95</sup> 11/266

difficult to understand how Mr Mitchell can have held that view. A media storm was gathering, there was significant interest in the blog within the BBC and the blog was a public statement. In my view, the blog was clearly the BBC's public statement on a challenging issue and its preparation required proper rigour and attention to detail. When clear leadership was required, it was not provided.

## **The Corporate Response**

58. In parallel to the development of the blog, BBC Corporate set about developing their own response to the Savile revelations. On the afternoon of 2 October, Mr Mylrea, Mr Jordan, Mr Entwistle and BBC Lawyers began to develop a response to allegations that offending took place on BBC premises.
59. One of Mr Mylrea's original proposed lines was that *'These were criminal actions which are the responsibility of the police'*,<sup>96</sup> and later in the afternoon, Mr Entwistle emailed around a revised line (*'[a]fter much consideration and consultation'* with Sarah Jones, the BBC's head of legal, although not, it appears, with Mr Rippon), including the more accurate statement that these are *'allegations of a serious criminal nature which only the police have the proper powers to investigate'*.<sup>97</sup>
60. Mr Entwistle says that he considered there was a prospect of a criminal investigation into Savile's accomplices as a consequence of discussions he had had with Police,<sup>98</sup> although by this time, Mr Entwistle says he had sought and received an assurance from Ms Boaden that *'Everything that Newsnight have, the police have already got'*. I consider in Part Three the question of the provision of documentation produced by investigations that are not taken forward to the police.<sup>99</sup>
61. The notion that the allegations were properly matters for the Police is in evident contradiction to Mr Rippon's position that Newsnight did not have any material

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<sup>96</sup> 12/218

<sup>97</sup> 12/221

<sup>98</sup> 11/086, Lines 5-24

<sup>99</sup> 11/085 – 11/086

which would be of interest to the Police. Mr Rippon and Ms Boaden were unaware that this line was being developed.<sup>100</sup>

62. The backdrop to the corporate statements was a growing realisation by Mr Entwistle that he did not have an accurate picture of what had been (or ought to have been) communicated to the Police. As Mr Entwistle put it:

*'I became really worried and preoccupied with whether or not an accurate understanding of what they had got on Newsnight was being communicated to the police. I made that attempt on the 2nd, to be reassured that the police had got everything.*

*I then asked Nadia Banno and the BBC Legal team to engage really forensically with Newsnight because I just wasn't happy -- I wasn't convinced that they had made a proper assessment of what the police ought to have and what they hadn't.*<sup>101</sup>

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<sup>100</sup> 11/082, Lines 6-16; 11/429, Lines 13-17  
<sup>101</sup> 11/082, Lines 6-16

## CHAPTER II

### THE BLOG REMAINS UP

#### The Blog as Sole Source of Information

63. The blog, once published, was relied upon by the BBC Corporate Press Office as a *'thorough picture of what had happened on the programme'*.<sup>102</sup> Mr Mylrea told me that while he understood that the blog may have omitted certain sensitive matters, he was entirely unaware of the possible limitations on its accuracy due to the circumstances under which it was prepared. As he put it *'What I was provided with was a blog by the editor. We were given the blog with all normal assurances that this was the account that we could follow'*.<sup>103</sup> He added that he would not have based any comments on statements which he believed to be *'inaccurate, misleading or partial'*.<sup>104</sup>
64. In his interview, Mr Mylrea told me of a conversation with Ms Boaden which he recalls occurring on or around 3 October, in which he asked if it would be possible to have more detail about the editorial decision making process, only to be told that he could not ask that question and that he did not understand independent journalism.<sup>105</sup> While this comment appears to have irritated Mr Mylrea, who clearly defended his position, this chimes with Ms Boaden's comment to me that there were a number of recent arrivals at a corporate level in the BBC who *'do not get'* the separation between BBC News and BBC Corporate.<sup>106</sup>
65. Mr Mylrea explained to me that what he wanted was for Mr Rippon to be put up for interview so that he could be *'challenged on points'* and provide a fuller explanation where necessary.<sup>107</sup> However, this did not occur, and Mr Mylrea

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<sup>102</sup> 11/292, Lines 10-11

<sup>103</sup> 11/290 – 11/291

<sup>104</sup> 11/292, Lines 5-7

<sup>105</sup> 11/293 – 11/294

<sup>106</sup> 11/047 – 11/048

<sup>107</sup> 11/289, Lines 8-10; 11/294, Lines 16-19

told me that he was unaware of any real doubt as to the accuracy of the blog until 19 October.<sup>108</sup>

66. Inevitably, the errors in Mr Rippon's blog began to feed into the BBC's responses to media requests almost immediately. This is evident from an email discussion on the evening of 2 October between Mr Mitchell, Ms Deller and Mr Feeny regarding the development of a 'line' to be used regarding requests for unbroadcast material. In the course of this discussion, Mr Mitchell incorrectly said that:

*'The new rape allegation that has sparked the BBC offer to cooperate with the Met only emerged today and isn't one that Newsnight were aware of when they were pursuing the Savile story. Finally, of course, we have already said that the police were aware of the allegations by the women that Newsnight talked to, so would have been able to talk to those women themselves'.*<sup>109</sup>

### Identification of Flaws

67. The inaccuracies in the blog did not go unnoticed for long. In the early morning of 3 October, Ms MacKean emailed Mr Jones, bluntly highlighting one such flaw:

*'Just noticed, comment that "we are confident that all the women we had spoken to had gone to the police" utter bollocks – one of our contentions was we had more than the police and their "investigation" was suspect...'*<sup>110</sup>

68. Ms MacKean followed this with an email later that morning to Mr Rippon and Mr Mitchell, copied to Mr Jones:

*'The penultimate paragraph is misleading. It states that "we" are confident the women we'd spoken to had contacted the police already and so we had no new information. This is wrong. One of the reasons Meirion and I argued for the film not to be set aside was that the police had not in fact contacted our interviewee, raising questions about the thoroughness and efficacy of their investigation. She also told us about Gary Glitter and the comedian. The Gary Glitter element was corroborated by another woman we spoke to ... Now that our main interviewee has spoken to ITN there seems to be a high chance any inaccuracies will be shown up'.*<sup>111</sup>

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<sup>108</sup> 11/304 – 11/306

<sup>109</sup> 12/232

<sup>110</sup> 12/233

<sup>111</sup> 12/235

69. In her interview, Ms MacKean characterised the act of copying this email to Mr Mitchell as going '*over Peter's head*', something she considered necessary as the blog was '*putting forward a totally misleading account, which to me built on the earlier misleading statements from the press office*'.<sup>112</sup> This was a rare example of such a step being taken.

70. Mr Rippon replied five minutes later:

*'This is not what Meirion told me on Monday ... He said we were confident all the women had been spoken to by the police. He also said the Glitter claims were nothing a police investigation could use and the other allegations against the other person were not serious anyway'*.<sup>113</sup>

71. As noted above, Mr Rippon maintains that this was what he was told by Mr Jones on 1 October, and that it was only after receiving Ms MacKean's 3 October email that Mr Jones changed his account.<sup>114</sup> Mr Jones, however, says that he told Mr Rippon the exact opposite.<sup>115</sup>

72. Mr Mitchell, who was out of London that day, intervened at this stage, instructing Mr Rippon and Ms MacKean to sort it out:

*'...can you agree on the crucial point that was being used internally and externally that you had no evidence that the police didn't already have. Clearly if that is not the case it has serious implications both for the women making the allegations, the police "investigation" and yourselves, as liz also highlights we need to be sure that Peter's version of [sic] events is also accurate. If despite what was being said yesterday you now all say that we have been sitting on evidence for several months that the police are unaware of this will need to be fed into the centre where they are trying to defend the bbc' reputation'*.<sup>116</sup>

73. While Mr Rippon replied within half an hour saying that after discussing with Mr Jones, they agreed '*on the fundamental point that we do not have anything that would help a police investigation*',<sup>117</sup> Mr Jones sent a more fulsome reply some minutes later, from which it would have been clear that there were significant questions about what had been withheld from the Police:

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<sup>112</sup> 11/232  
<sup>113</sup> 12/236  
<sup>114</sup> 11/436 – 11/437  
<sup>115</sup> 11/192  
<sup>116</sup> 12/240; 11/268  
<sup>117</sup> 12/241

*'Already talked to Peter about this – it is inaccurate – our on-camera interviewee for instance...had never talked to police ... We should probably correct it but if we don't we should at least tell the press office'.<sup>118</sup>*

74. In this email, Mr Jones said that he believed that another woman had told the police about Gary Glitter,<sup>119</sup> and in another email less than half an hour later, Mr Jones referred to his earlier email and said that, while Mr Rippon was wrong to say that all witnesses spoke to the Police, he was right to say that *'we did not believe that we were withholding anything from the police that could result in a prosecution of anyone who is alive'*.<sup>120</sup> This view is reflected by Mr Rippon in a further email later that day.<sup>121</sup>
75. Following these emails there could be little doubt that there was serious cause for concern about both the accuracy of the blog, and the relationship between Mr Rippon, Mr Jones and Ms MacKean; both points that Mr Mitchell accepts.<sup>122</sup> However, at the time Mr Mitchell simply replied to Mr Rippon's final email by saying *'OK'*.<sup>123</sup> In his statement, Mr Mitchell says that from this point and for the rest of the week he was of the view that the blog had addressed the main issue, and that any dispute as to details was being handled by the Press Office.<sup>124</sup>
76. For his part, Mr Rippon accepts that he ought also to have corrected the blog at this stage,<sup>125</sup> but explains that he did not do so as he felt the *'substantive point'* about the absence of any evidence of value to the police still stood.<sup>126</sup>

## **The Glitter Allegations**

77. The Glitter allegations achieved prominence later that day, after the ITV lunchtime news reported that [R1] told Newsnight that she saw another minor having sex with Glitter. In response to an enquiry from Mr Mitchell about the

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<sup>118</sup> 12/242  
<sup>119</sup> 11/233, Lines 15-23  
<sup>120</sup> 12/243  
<sup>121</sup> 12/249; 11/234, Lines 2-7  
<sup>122</sup> 11/269, Lines 8-11; 11/270, Lines 13-17  
<sup>123</sup> 12/251  
<sup>124</sup> 10/090, Para 26  
<sup>125</sup> 11/438, Lines 21  
<sup>126</sup> 11/438 – 11/439



accuracy of this report, Mr Rippon told him that *'She could not identify the victim, we could not corroborate it'* and that *'[w]e did not feel this was anything 'evidential' that may have helped a police inquiry'*, later adding that *'off the record I was really uncomfortable about whether we could believe her or not'*.

<sup>127</sup> These emails from Mr Rippon were forwarded by Mr Mitchell to Mr Feeny, who in turn forwarded them on to Helen Deller.<sup>128</sup>

78. The BBC News Communications team was working up a response to the Glitter allegations throughout the afternoon. Initially, this was to deal with questions about why the accusation was not broadcast, with the focus of the proposed line being the absence of an identifiable victim, although this was later modified to emphasise that the only criterion was that the standard of proof was not reached.<sup>129</sup> Mr Rippon told me in his interview that he was unsure if he was involved in the development of this line, although he says he *'may well have let that go'* had he been shown it.<sup>130</sup>

79. The response was broadened to address why the Glitter allegation was not brought to the attention of the Police following a question from the Daily Mail.<sup>131</sup> Mr Rippon suggested a stronger line than that proposed by the Press Office in response to this allegation. Indeed, he went further than he did in his response to Mr Mitchell earlier in the day, and contended that not only was Newsnight unable to identify or trace the alleged victim, they *'believed the allegation... was already known to the police'*.<sup>132</sup> Mr Rippon explained that this was based on what he had been told by Mr Jones.<sup>133</sup> This was incorporated into the response which was eventually issued to the Daily Mail (and which was agreed by Mr Rippon).<sup>134</sup>

## Media Interviews

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<sup>127</sup> 12/253; 12-261  
<sup>128</sup> 12/261  
<sup>129</sup> 12/247 – 12/248; 12/254  
<sup>130</sup> 11/440, Lines 23-25  
<sup>131</sup> 12/256  
<sup>132</sup> 12/257  
<sup>133</sup> 11/441, Lines 6-8  
<sup>134</sup> 12/259 – 12/260

80. Mr Rippon was reluctant to be interviewed about his decision but Mr Mylrea, Mr Entwistle and Ms Cecil were keen that he should be.<sup>135</sup> Mr Rippon explained that his reluctance stemmed from his suspicion that he may be being hung out to dry, and a corresponding desire for other executives *'to engage on the story'*.<sup>136</sup>
81. After Mr Rippon's refusal, the task of defending the BBC's position publicly fell to Mr Jordan. Mr Jordan was interviewed for BBC Radio 4's Media Show on 3 October, and then a series of interviews the following day.<sup>137</sup>
82. During the course of the Media Show interview on 3 October, Mr Jordan stated, incorrectly, that the Newsnight investigation:
- '... never started out as an investigation into Jimmy Savile himself. It started out as an investigation into whether the Surrey Police had dropped allegations'.*
83. Mr Jordan could not remember how he came to be under this misapprehension,<sup>138</sup> but he was swiftly corrected, as, after this interview, Mr Rippon emailed him to clarify that, while the CPS angle was important (and what the story *'ultimately fell on'*), in truth it was a combination of reasons related to the credibility of the witnesses which led to his decision not to run the story.<sup>139</sup> Mr Rippon also said that he made *'repeated efforts to correct inaccuracies that were being repeated in interviews'*.<sup>140</sup>
84. Mr Jordan told me that he had read the blog in preparation for the interview,<sup>141</sup> but that he had no involvement in the creation of the blog, nor did he know anything about the work which preceded it.<sup>142</sup>
85. After hearing Mr Jordan's interview on the Today programme, Mr Jones arranged to meet with him. Mr Jordan told me that he clearly understood this

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<sup>135</sup> 12/244  
<sup>136</sup> 11/442, Lines 12-20  
<sup>137</sup> 11/203  
<sup>138</sup> 11/204, Lines 2-13  
<sup>139</sup> 12/263  
<sup>140</sup> 10/099 – 10/100, Para 34  
<sup>141</sup> 11/204, Lines 21-22  
<sup>142</sup> 11/202

meeting was to be, at Mr Jones's request, confidential.<sup>143</sup> Mr Jones also provided his account of the investigation and, following the meeting, emailed Mr Jordan a copy of the Savile script.<sup>144</sup> Mr Jordan said he asked Mr Jones at the conclusion of the meeting if he would like him to take any further action, and was told no. The fact that this script had been provided by Mr Jones to Mr Jordan was later revealed by Private Eye and prompted a number of angry emails from Mr Jordan to Mr Jones.<sup>145</sup> Although Mr Jones denied this, Mr Jordan appears to be convinced that, despite the fact that the meeting between him and Mr Jones was agreed to be confidential, Mr Jones leaked the fact that he had provided the script to Mr Jordan to Private Eye.<sup>146</sup> Following his second interview with me, Mr Jones, through his lawyers, obtained letters from three journalists, supporting his denials of leaking. One of these was Francis Wheen, the journalist responsible for the Private Eye piece.<sup>147</sup>

86. When giving evidence, Mr Jones was pressed about suggestions that he had leaked or given stories about the Newsnight investigation to newspapers, including any information used by Private Eye. Mr Jones very firmly denied responsibility and said that it had not been until late October 2012, when he was contacted by several journalists, that he had spoken to the press and then only to correct what he regarded as unfair and untrue stories about him<sup>148</sup>.
87. It is clear, however, that there was a very wide belief in the BBC at a number of levels that Mr Jones was indeed the source, either directly or indirectly, of a number of stories in several newspapers and publications about the Newsnight investigation.

#### **4 October – A Proposed Statement from Mr Entwistle**

88. On the morning of 4 October, after the broadcast of ITV's 'Exposure' documentary about Savile, it was suggested that a personal statement from Mr Entwistle was necessary, and Mr Entwistle circulated a draft for discussion.

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<sup>143</sup> 11/205 – 11/206  
<sup>144</sup> 10/058, Para 23.3; 12/266  
<sup>145</sup> 12/328 – 12/329  
<sup>146</sup> 11/059  
<sup>147</sup> 12/340  
<sup>148</sup> 11/194, Lines 21 and 25

While this did not result in a public statement being issued, this draft formed the basis for a staff email which was sent the following day, a matter I return to below.

89. Ms Boaden recalls attending a meeting in Mr Entwistle's office around this time with Mr Entwistle, Ms Cecil and Mr Mylrea present. Ms Boaden told me that, by this stage, Mr Entwistle's working assumption (having seen the ITV programme) was that Mr Rippon had made a bad editorial judgment and, in this meeting, Ms Boaden recalls Mr Entwistle as saying the following:

*'I'm going to do a public statement and I have decided that I need to protect the BBC and BBC News within it, and I'm going to do a statement that makes it impossible for Peter not to resign'.*<sup>149</sup>

90. Ms Boaden says Mr Entwistle pulled back from this when it was pointed out that this was an ethically dubious thing to do, and that it was unlikely in any event to prompt Mr Rippon to resign.<sup>150</sup> While Mr Entwistle could not remember this aspect of the discussion, he accepted Ms Boaden's description as *'a clear enough account of the meeting'*, and said that he *'must have been considering using the statement for that purpose'*.<sup>151</sup> Similarly, Mr Mylrea had a vague recollection of such a discussion but could not remember it clearly,<sup>152</sup> although he did tell me that at some stage he told Mr Entwistle that eventually the point would come where people would be required to (to use his term) *'take responsibility'*, and that Mr Entwistle would need to decide *'where the responsibility lies'*.<sup>153</sup> He also appears to have accepted that this was Mr Entwistle's view at the time.<sup>154</sup>

91. In the same meeting, Ms Boaden says she offered to take public responsibility for the decision not to proceed with the story, and to resign if necessary, but that Mr Entwistle refused to accept her resignation.<sup>155</sup> Mr Mylrea recalls Ms Boaden's offer, and says that he advised against it on the basis that no

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<sup>149</sup> 11/051, Lines 12-15

<sup>150</sup> 11/051 – 11/052

<sup>151</sup> 11/100 – 11/102

<sup>152</sup> 11/301, Lines 5-16

<sup>153</sup> 11/301 – 11/302

<sup>154</sup> 11/303, Lines 15-17

<sup>155</sup> 11/053 – 11/056

wrongdoing had been proved, and that her departure would make BBC News ‘*unmanageable*’.<sup>156</sup> Mr Entwistle does not recall Ms Boaden’s offer, and was of the view that he would have remembered had it been discussed as a serious possibility.<sup>157</sup>

92. The suggestion that Mr Entwistle deliver a public statement which made it impossible for Mr Rippon not to resign was, in my view, inappropriate. Mr Entwistle was right to pull back in the face of Ms Boaden’s objections. It appears that a notion that a ‘head needs to roll’ in order to bring closure to an episode such as this may have been drawn from the BBC’s organisational culture. As Mr Entwistle noted:

*‘The BBC very quickly gets itself in, at times like this, into those places where a resignation or sacking for whatever it might be is the way to solve a situation like this’.*

<sup>158</sup>

### **Discussions within BBC News about the Blog**

93. The concerns about the blog had not escaped Mr Rippon, who appears to have contemplated writing a further blog at this stage, but decided to defer for a day or two as the timing did not feel right.<sup>159</sup>
94. On 5 October, after Mr Entwistle expressed a personal interest in how media responses were being handled, Ms Deller sent a draft timeline to Mr Rippon and Mr Mitchell for their review, with the intent that it then be ‘*selectively used in briefing*’.<sup>160</sup> The timeline suggested by Ms Deller, after discussion with Mr Rippon, was the following:

- *‘Approx a week after Savile’s death NN reporter approached NN editor with suggestion of a Savile paedophile story. Editor not convinced. Reporter revisited and suggested Surrey Police issue in mid Nov. Work started to stand this up. Editor alerts Head of News Programmes of possible contentious story.’*

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<sup>156</sup> 11/302, Lines 16-21

<sup>157</sup> 11/102 – 11/104

<sup>158</sup> 11/104, Line 20

<sup>159</sup> 12/267

<sup>160</sup> 12/275

- *Mid / Late Nov (Approx) HB made aware in passing and Head of News Programmes updated on progress*
- *Early Dec (approx.) Info that Surrey police behaved appropriately and info on why CPS not pursuing the case was received and Editor decided evidence threshold not achieved. Advised Head of News Programme he is not taking forward’.*

95. This timeline is obviously inaccurate in a number of key respects and inadequate. However, only very minor changes were suggested by Mr Rippon, who asked that this be modified to say ‘*Editor not convinced a NN story*’, and then ‘*Editor more convinced*’ when Police angle develops’, a line which Mr Mitchell then endorsed.<sup>161</sup> Mr Mitchell again relied entirely on Mr Rippon for the accuracy of this timeline, and did not take steps to verify its content with others, or to check the source material.<sup>162</sup> Indeed, it appears that no one was doing so.
96. By this time, Mr Rippon was evidently concerned that he was being hung out to dry by the BBC, as he asked Mr Mitchell and Ms Boaden if the BBC could be more vocal in their support of him and his decision.<sup>163</sup>

## **5 October - Mr Entwistle’s All Staff Email**

97. On the evening of the 5 October, Mr Entwistle sent a note to all BBC staff addressing what he described, perhaps euphemistically, as a ‘*difficult week for the BBC*’<sup>164</sup>. This was drafted by Mr Entwistle<sup>165</sup> and Mr Mylrea,<sup>166</sup> without reference to Mr Rippon, and stated, in part:

*‘As is now well known, the BBC Newsnight programme investigated Surrey Police’s enquiry into Jimmy Savile towards the end of 2011 but decided not to go ahead with the broadcast. The decision was made honestly and honourably. I have seen no evidence to suggest that any pressure at all was placed on the Editor to reach it, for the reasons he set out in his blog earlier this week’.*

98. The drafting history of this email is worthy of note, as it reveals that the reference to the focus of the Newsnight investigation was specifically changed.

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<sup>161</sup> 12/274 – 12/275  
<sup>162</sup> 11/272, Lines 12-19  
<sup>163</sup> 12/270 – 12/272  
<sup>164</sup> 12/276 – 12/277  
<sup>165</sup> 12/264  
<sup>166</sup> 12/273

In Mr Entwistle's original draft from the morning of 4 October, the first sentence read: *'It is now well-known that Newsnight investigated Jimmy Savile towards the end of 2011'*.<sup>167</sup> This was changed, it appears, by Ms Boaden, to suggest that the Newsnight investigation was into the Police investigation.<sup>168</sup> Mr Mylrea made a further suggestion (which did not ultimately make it into statement issued by Mr Entwistle) that *'[t]he programme found that the police had properly investigated but decided there were insufficient grounds to proceed'*.<sup>169</sup>

99. Mr Mylrea told me that his proposed line was based on *'the blog but also on conversations with Paddy Feeney and the News team'*,<sup>170</sup> as well as Mr Rippon's briefing note, which he had been forwarded by Mr Mitchell on the afternoon of 3 October,<sup>171</sup> notwithstanding his email to Mr Rippon and Ms Boaden on 2 October in relation to the briefing note in which he said *'as discussed this is for Helen and I and we will not be on passing'*.<sup>172</sup> Mr Mylrea suggested that this was simply a restatement of the *'standing line'*. When I asked him if it was a bridge too far to say that the Police had properly investigated, Mr Mylrea told me that he did not as this was what he had been assured was the case by BBC News.<sup>173</sup> He was also at pains to emphasise that he was merely making a suggestion, as by this time, as he put it *'it was the legal team who were deciding whether these things were correct or not correct'*.<sup>174</sup> This snapshot of how the information process was developing gives a good illustration of its lack of clarity and direction.

100. Very shortly after Mr Entwistle's all staff email was circulated, Mr Jones sent a reply to Mr Entwistle. Due to the way Mr Entwistle's mailbox is arranged, he did not receive this until the following Monday, after he had appeared on the Today programme on Radio 4. In this email, Mr Jones did not make any criticism of the blog, but did make the accurate point that the staff email was incorrect in its assertion about the Newsnight investigation, as Newsnight had not known that

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<sup>167</sup> 12/264  
<sup>168</sup> 12/265  
<sup>169</sup> 12/265  
<sup>170</sup> 11/307, Lines 2-3  
<sup>171</sup> 12/245 – 12/246; 11/313 – 11/314  
<sup>172</sup> 12/216  
<sup>173</sup> 11/308 – 11/310  
<sup>174</sup> 11/310, Lines 19-23

Surrey Police had investigated Jimmy Savile at the outset, and that this was only discovered once the victims had been interviewed:

*'George - one note - the investigation was into whether Jimmy Savile was a paedophile - I know because it was my investigation. We didn't know that Surrey Police had investigated Jimmy Savile - no one did - that was what we found out when we investigated and interviewed his victims'.<sup>175</sup>*

### **Weekend of 6/7 October**

101. After the publication of an apparently well sourced and detailed article by Miles Goslett on 7 October, Ms Deller emailed Mr Feeny, expressing her concern at continuing to rely on the blog in media responses.<sup>176</sup>

102. Separately, Mr Rippon emailed Ms Boaden that evening with information he felt Mr Entwistle ought to be aware of – that there was no film *'ready to run'*, as only one interview had been filmed.<sup>177</sup> Ms Boaden in turn forwarded this to Mr Mylrea and Mr Entwistle.<sup>178</sup>

### **8 October – Mr Entwistle asks Mr MacQuarrie to investigate**

103. Mr Entwistle appeared on the Today programme on the morning of 8 October.<sup>179</sup> The previous evening, he had received a briefing note from Mr Mylrea which emphasised a number of the lines which had been developed during the previous week, including that the allegations were fundamentally a matter for the Police, that the decision was Mr Rippon's *'and his alone'*, and that only one interview was recorded.<sup>180</sup>

104. Mr Rippon says that he was reassured by the language which Mr Entwistle used,<sup>181</sup> in particular he comments that:

*'With the benefit of hindsight I think we could all wish that Newsnight was able to go as far as ITV went, but on the basis of what he knew at the time I totally support his judgement. You can't use hindsight ...'.<sup>182</sup>*

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<sup>175</sup> 12/276

<sup>176</sup> 12/279

<sup>177</sup> 12/290

<sup>178</sup> 12/293

<sup>179</sup> 12/295 – 12/297; 12/289; 12/291 – 12/292; 11/311, Line 7 11/110 – 11/111

<sup>180</sup> 12/285 – 12/287

<sup>181</sup> 11/443, Lines 5-9



105. After giving his interview, Mr Entwistle received the email which Mr Jones had sent the previous Friday, and also an email sent that morning by Ms MacKean.<sup>183</sup> Ms MacKean emailed Mr Entwistle to share her ‘*disquiet*’ with ‘*the handling of the Newsnight Savile story*’.<sup>184</sup> This email made the same point Mr Jones had already made about the inaccuracy in the all staff email regarding the focus of the Newsnight story, and went on to make some explicit criticisms of the accuracy of the Editor’s Blog and subsequent media statements:

*‘[It was not] as Peter Rippon implied in his blog, the sort of ‘celebrity exposé’ that Newsnight would not normally go near. Our report contained serious allegations about the behaviour of Jimmy Savile on and off BBC premises. Despite public assurances, again [in] the blog, that we had no information that was not already known to Surrey police, in fact we did.*

*Ever since the report was dropped, just ahead of it being edited, there have been repeated misleading statements from the press office about the nature of our investigation’.*

106. Ms Boaden recalls that, after receiving the emails from Mr Jones and Ms MacKean, Mr Entwistle came to see her, and that she told him that an investigation was required (in anticipation of disciplinary action against Mr Rippon) due to the seriousness of the matter.<sup>185</sup>

107. Mr Entwistle said that he was reluctant to talk to Mr Jones and Ms MacKean himself because if any disciplinary sanction was appealed ‘*and just about every disciplinary action at the BBC always gets appealed*’, he would be the ultimate decision maker.<sup>186</sup> I was surprised by this statement, which seems to be an example of a rigidity within the BBC on the extent of each individual’s role and an unwillingness to go beyond that. That this rigidity extended to Mr Entwistle was particularly surprising: if the Director General needs, for the sake of the BBC, to get information, the Director General should surely have no qualms about doing so. It would have been easy for Mr Entwistle to have put in place an alternative appeal process in this instance.

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<sup>182</sup> 11/46, Lines 6-9

<sup>183</sup> 11/105 – 11/109

<sup>184</sup> 12/294

<sup>185</sup> 11/049 – 11/050

<sup>186</sup> 11/099

108. Mr Entwistle instead asked Ken MacQuarrie the Director of BBC Scotland to investigate the matter. Mr MacQuarrie was chosen, Mr Entwistle says, as he was someone external to BBC News whom he could trust.

109. Mr Entwistle says that while the accuracy of the blog was in his mind when he asked Mr MacQuarrie to investigate, he was also concerned by a '*general sense I had that they didn't seem to know what they had investigated and that we couldn't go on trying to defend an investigation about which there was such an enormous difference of opinion*'.<sup>187</sup> He said that it was inaccurate to refer to MacQuarrie's investigations as an '*inquiry*', and that it was instead intended to give Ms MacKean and Mr Jones:

*'... a relatively safe environment in which they could tell the whole of their story, so that would get to me and start to inform my judgement about whether or not I was being given a realistic picture of what happened on Newsnight, by [that] route I would [have] expected to get a realistic picture, i.e. from the editor Newsnight up the News chain of command, or whether the scale of the misunderstanding or disagreement to Newsnight on what they had actually done was so distorting the thing that I needed to think of another way of dealing with it'.*<sup>188</sup>

110. As to what Mr Entwistle hoped to gain from this, he says:

*'What I really wanted Kenny to do was to bring in a bit of brain space that I didn't have, or time I didn't have at that moment, and there were other reasons I didn't want to talk to them myself, to get somebody outside the News bell jar to start to give me an opinion of what he thought might be going on there'.*<sup>189</sup>

## **8 October - Mr Mitchell Ends Active Involvement**

111. Before Mr Mitchell became aware of Mr Entwistle's decision to ask Mr MacQuarrie to investigate, Mr Mitchell met with Ms MacKean, where she repeated her concerns about the accuracy of Mr Rippon's explanation for discontinuing the story,<sup>190</sup> effectively accusing Mr Rippon of being untruthful in relation to his explanation of why the investigation was dropped.<sup>191</sup> She also expressed her concern that there were fundamental errors with the blog which

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<sup>187</sup> 11/096

<sup>188</sup> 11/096 – 11/097

<sup>189</sup> 11/098, Lines 8-13

<sup>190</sup> 10/090, Para 27

<sup>191</sup> 11/271, Lines 10-15

were creating a '*completely false impression of our story*'.<sup>192</sup> Ms MacKean's expectation was that Mr Mitchell would take these concerns up the chain, that is, to Ms Boaden.<sup>193</sup>

112. Ms MacKean says that Mr Mitchell conceded that if he and Mr Rippon '*had shown "more imagination" they might have grasped that the story was an important one*'.<sup>194</sup> She also says that Mr Mitchell told her twice, in relation to press charges of cover-up ahead of the tribute programmes, '*Liz it's important you are aware that corporately the BBC is all right on this*'.<sup>195</sup> Ms MacKean told me that she took this to mean that there was no smoking gun which would demonstrate undue influence on the decision not to broadcast, although she acknowledged that a more innocuous interpretation was possible.<sup>196</sup>

113. Mr Mitchell was also involved in an exchange of emails with Mr Jones, triggered by Mr Mitchell's reply to Mr Jones's email of the previous Friday. The reply referred to Mr Mitchell's frustration at the level of media briefing which was occurring, but stated that he was more concerned about Mr Jones's allegations, concluding that he would '*now need to decide how best to deal with what you have alleged*',<sup>197</sup> a statement which Mr Jones's claims to have interpreted as an '*implicit threat*'.<sup>198</sup> Mr Jones's lengthy reply contended that while '*The line which the BBC has been putting out all year is wrong*' he was not '*calling anyone a liar or accusing any individual of dishonesty*'.<sup>199</sup>

114. This was for all practical purposes the end of Mr Mitchell's active involvement in discussions regarding Mr Jones's and Ms MacKean's concerns. He and Ms Boaden took the view that, once Mr MacQuarrie had been tasked with investigating Ms MacKean's and Mr Jones's complaints about the blog, the matter was effectively out of their hands.<sup>200</sup> As Mr Mitchell put it, it was then

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<sup>192</sup> 11/235, Lines 13-19

<sup>193</sup> 11/236, Lines 3-10

<sup>194</sup> 10/081, Para 45

<sup>195</sup> 10/081, Para 45

<sup>196</sup> 11/235, Lines 1-13

<sup>197</sup> 12/298

<sup>198</sup> 10/059, Para 24.6

<sup>199</sup> 12/304

<sup>200</sup> 10/091; 11/273 – 11/274; 10/008; 12/315 11/275, Lines 17-24

part of a 'corporate' process.<sup>201</sup> Mr Entwistle says that he was unaware of the communications between Mr Mitchell, Mr Jones and Ms MacKean and that he was surprised to learn, upon reviewing the documents provided to this Review, *'that they were having a conversation about inaccuracies in the blog in the detail they were as early as they were, without that having been made known any further up the system'*.<sup>202</sup>

115. Mr Rippon says that, while he was made aware of the fact of the MacQuarrie process, he was not provided with any specifics, although he assumed it was about the blog.<sup>203</sup> Mr Rippon says that he recognised at this stage that the blog needed to be changed, but that, as he was not made aware of what precisely was being disputed because Mr MacQuarrie did not talk to him, he was hamstrung as *'the prospect of having to change it twice was not something I was prepared to contemplate'*.<sup>204</sup> Mr Rippon recalls at least two, and probably three, phone conversations with Mr Mitchell around this time in which he attempted to elicit this information.<sup>205</sup> It is only on 11 October, when details of the MacQuarrie process were leaked to the Guardian, that Mr Rippon became aware of the alleged inaccuracies which were being looked at.<sup>206</sup>

## **10 October – Mr MacQuarrie Reports Back**

116. On 10 October Mr Rippon finally agreed that Newsnight should cover the Savile story the following evening. There had been considerable debate within the Newsnight team about whether to cover the Savile story and how, if at all, their own part in it should be reported. As I explained above, Mr Paxman had been pressing Mr Rippon hard for the programme to cover the story from 2 October.

117. The result of Mr MacQuarrie's investigation was a one page file note which was passed to Mr Entwistle on 10 October.<sup>207</sup> This reported that Mr Jones's and Ms MacKean's main complaint was that their journalism was represented as weak.

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<sup>201</sup> 10/006; 12/305 – 12/306  
<sup>202</sup> 11/095, Lines 8-14  
<sup>203</sup> 11/444  
<sup>204</sup> 11/444, Lines 14-23  
<sup>205</sup> 11/445, Lines 16-24  
<sup>206</sup> 11/447  
<sup>207</sup> 12/307 – 12/308

Both Mr Jones and Ms MacKean were reported as feeling that the nature of the Newsnight story had not been properly described in the blog, Mr Entwistle's all staff email of the previous Friday, or by the Press Office. They considered that Newsnight had had new evidence, that the story was broader and stronger than implied by the blog, and that the involvement of the Police and CPS became strong strands of the story but were not the whole story. It is noteworthy that neither Mr Jones nor Ms MacKean alleged that Mr Rippon was pressured into dropping the programme, but both did express surprise at the rapid change in Mr Rippon's stance.

118. Mr Entwistle read this note that evening.<sup>208</sup> The MacQuarrie process had achieved little. Mr Entwistle spoke to Mr MacQuarrie the next day (11 October), and told me that after this call he was convinced that it would not be possible to get an accurate account of events '*that would be bought into by the entire culture*' unless an external review was held.<sup>209</sup> In part this was because of the level of disagreement and emotion involved, but the reference to '*entire culture*' refers to the fact that bringing Mr MacQuarrie in to investigate was seen as '*immensely insulting*' by the News division,<sup>210</sup> resulting in a reaction which Mr Entwistle described as a '*cultural howl*'.<sup>211</sup>

119. The consequence was that Mr Entwistle says he reached the conclusion that:<sup>212</sup>

*'... the way I was going to be able to do anything about the blog was to make sure that the legal team did a forensic analysis of all the underpinning documents and thus were able to give me a non-emotional account of what had been wrong with the blog'.*

120. This resulted in a delay before any action was taken to correct the blog while the BBC legal department reconstructed events from the documentary material they had already gathered in order to ensure that all relevant material had been provided to the Police.<sup>213</sup>

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<sup>208</sup> 11/115, Line 17

<sup>209</sup> 11/116, Lines 9-12

<sup>210</sup> 11/116, Line 5

<sup>211</sup> 11/117, Line 8

<sup>212</sup> 11/116, Lines 17-22

<sup>213</sup> 11/117 – 11/118

121. Mr Mylrea told me that he was excluded from this ‘legal led’ process, and that at this time his understanding was that ‘*the substance of what we’re saying is still correct*’.<sup>214</sup> He says he was unaware of any change of this position until 19 October, when Mr Entwistle told him that BBC Legal had reached the conclusion that the blog needed to be changed.<sup>215</sup> Mr Mylrea told me that, during the intervening period, the BBC Press Office’s view was that:

*‘This is going to be sorted out by an inquiry because quite frankly we can’t just constantly say something and have it immediately challenged by sources close to Newsnight, and that remained the position, this sort of lockdown in “This is going to go to the review”, until the 19th when I received the communication from George saying “The legal team has now concluded, after an investigation, that, you know, we’re going to change the blog”.*<sup>216</sup>

122. While the question of correcting the blog was effectively put on ice pending the outcome of the investigations by BBC Legal, on 11 October Mr Entwistle established a “Gold, Silver, Bronze” structure to co-ordinate the BBC’s response to the Savile allegations and related matters.<sup>217</sup> The ‘Gold Team’ consisted of Mr Entwistle (who was ‘Gold commander’), Lucy Adams, Director of Human Resources, Mr Jordan, Mr Mylrea, Ms Cecil, Sarah Jones (the Head of Legal) and Mr Mosey (who was ‘incident commander’).

### **11/12 October – BBC News Contemplates Correcting the Blog**

123. After the details of the MacQuarrie investigation were leaked to, and published by, the Guardian on the evening of 11 October, there was a flurry of discussion within BBC News and its press office about publishing a correction to the blog, with Mr Feeny reporting that Mr Mitchell had suggested a ‘*follow up*’, but that this be kept brief.<sup>218</sup>

*‘Spoken to Steve, who suggests we say for follow up something like: ‘the editors [sic] blog was written in good faith and following conversations to recall the sequence of events between newnight staff’.*

*Anything else, even this, may provoke more anonymous denials’.*

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<sup>214</sup> 11/305 – 11/306

<sup>215</sup> 11/306, Lines 6-10

<sup>216</sup> 11/315, Lines 6-14

<sup>217</sup> 12/309 – 12/310

<sup>218</sup> 12/311

124. Mr Rippon replied:

*'OK fine.*

*We then need to take a view about whether we need to amend the blog if it is inaccurate... keep in mind that if we did have something we should have given the police Liz and Meirion failed to make that clear to me. We were asked the question many months ago and Meirion has always strongly maintained to me that we did not',*  
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125. Mr Rippon was, by this stage, amenable to amending the blog. Mr Rippon said that the tipping point for him was the emergence, in the course of producing that night's edition of Newsnight, of the second on-camera interview (with [R3]).<sup>220</sup> Mr Rippon explained that if he had ever known about this second interview, he had forgotten.

126. Mr Mylrea told me that nothing in the exchange referred to above indicated that there was a '*significant substantive issue in the blog*' requiring that it come down, but rather that there might have been an inaccuracy regarding whether '*all*' or '*some*' of the women had spoken to the Police, although this was itself disputed.<sup>221</sup> He told me that '*to buy us some time until we got into the review and we could look at the thing in extenso, the line was written which was that the blog was "written in good faith"*'. However, he told us it was not thought that the blog was '*substantially wrong*'.<sup>222</sup>

127. The following morning, Mr Rippon emailed Mr Mitchell and Ms Boaden an account of why he wrote the blog in the terms that he did.<sup>223</sup> This related Mr Rippon's discussions with Mr Jones, and stated, with respect to [R1]:

*'It was not until her ITV interview last week, after I wrote my blog that I was aware she was saying she had not spoken to the police... none of this undermines [the] reasons I decided to pull the piece. Which as I make clear in the blog was about the police investigation AND having to weigh issues like credibility of testimony'.*

And with regard to the provision of evidence to the Police:

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219 12/312  
220 11/448, Lines 1-3  
221 11/316 – 11/317  
222 11/317, Lines 4-7  
223 12/313 – 12/314

*'The accusation that we may be withholding evidence from the police was first made earlier this year after my decision not to publish in December had been leaked to the press. I discussed this with Meirion Jones then and he assured me that we had no material that would be useful to a police investigation. This made sense to me as I was under the impression that the police had investigated the claims already.'*

*Before writing my blog I was aware that this allegation needed addressing so I called Meirion Jones to clarify this position again. I made a note of the key exchange a few hours later. I said to him that we could not be holding anything from the police because all the women had been part of the investigation. He replied:*

*'basically all the women we spoke to had spoken to the police and anyway we did not have anything evidential about anyone alive that would have been useful to the police.'*

*On that basis I wrote what I wrote in my blog'.*

128. Mr Rippon said that that the passage quoted in the email was a direct quote from his discussion with Mr Jones on 1 October.<sup>224</sup> Mr Jones disputed this – see the discussion above.

129. While Mr Rippon's account was explicitly written '*in order to assist the corporate decision*' about the '*apparent discrepancy*' in the blog, this was sent to Mr Mitchell and Ms Boaden. This was, as Mr Rippon explained, because they '*being my line managers... are the people who I communicate up the tree through*'.<sup>225</sup> He was unaware of what subsequently became of this email, but suggested that it was clear what he was trying to do – i.e. to feed into the discussion about what aspects of the blog required clarification.<sup>226</sup>

## **12 October – Reviews Are Announced**

130. BBC Legal then contacted Ms MacKean requesting details of '*exactly what was obtained/created*' during the course of the investigation.<sup>227</sup> This, Ms MacKean told me, was the first time she had been asked for this information.<sup>228</sup>

131. On the evening of 12 October, Mr Jones again emailed Mr Entwistle in apparent frustration:

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<sup>224</sup> 11/450, Lines 6-9  
<sup>225</sup> 11/449, Lines 1-6  
<sup>226</sup> 11/450, Lines 12-25  
<sup>227</sup> 12/325  
<sup>228</sup> 11/237, Lines 15-16



*‘...you are still not being accurately briefed. I’m sending you a copy of the script as it was on Wednesday 30<sup>th</sup> – by Monday 5<sup>th</sup> December when we started editing we had a second on-camera interview in the can, part of which was shown last night.’*<sup>229</sup>

132. Mr Entwistle said that he was surprised to receive this email as he was of the firm belief, based on an understanding that BBC Litigation had a note of a conversation they had had with Mr Jones that there was only a single interview on tape.<sup>230</sup> Such a note does exist, although it was only produced to me on the night before the Report was finalised. On the face of it, the note records Mr Jones telling the BBC that there is “only 1 girl on tape”, which corroborates the account of Mr Entwistle. I am content to leave it at that.

133. This uncertainty confirmed, Mr Entwistle’s sense that the only way to get an accurate account of the facts was to let the review being conducted by the legal team run its course, something he hoped would occur in the next week.<sup>231</sup> Mr Entwistle did not respond to this email personally, and Ms Cecil instead responded a week later (which appears to be a long time), that it had been passed to the legal team and to this Review.<sup>232</sup>

### **Week of 12 October**

134. On 16 October, Mr Jones made a direct attempt to talk to Mr Entwistle. Mr Jones requested an off-the-record conversation, which Mr Entwistle (perhaps mindful of the inaccuracies in the note referred to above) rebuffed, he explains because any such conversation have would have needed to be on the record, but also because *‘to be frank, I didn’t trust him to have an off-the-record conversation with me’*.<sup>233</sup>

135. Mr Entwistle said that he tasked BBC Legal with contacting Mr Jones urgently to hear what he had to say, but that this approach was rebuffed by Mr Jones.<sup>234</sup> Mr Entwistle also says that by this stage he was doubtful as to whether Mr

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<sup>229</sup> 12/317

<sup>230</sup> 11/122, Lines 6-11

<sup>231</sup> 11/123, Lines 5-17

<sup>232</sup> 12/330

<sup>233</sup> 11/119, Lines 14-15

<sup>234</sup> 11/119 – 11/120

Jones could be trusted to provide accurate information.<sup>235</sup> The basis for his doubt he told us was the report from BBC Litigation, which I deal with above, that Mr Jones had assured them, in a noted conversation, that there was only one interview on tape.

136. By this time, the BBC current affairs programme 'Panorama' was working on a programme about the Savile allegations which would include details of the Newsnight investigations. Mr Jones had moved from Newsnight to Panorama to help with the production of the Panorama programme but, in the light of complaints that this would be inappropriate, it was agreed that Mr Jones would act only as a contributor to the programme rather than as part of the production team.

137. Peter Horrocks had been given responsibility for editorial management of BBC news coverage of the Savile story, including the Panorama programme, because the normal news management team of Ms Boaden and Mr Mitchell had stood aside to avoid any conflict of interest due to their involvement in the original Newsnight story. Mr Horrocks arranged for statements to be given by Mr Jones and Ms MacKean which were forwarded to Mr Entwistle.

138. On 16 October, the Press Office enlisted the help of Brunswick, an external public relations agency. Mr Mylrea explained that this happened because the Press Office itself was overwhelmed, and as a consequence he was having to take charge of both strategy and fire-fighting simultaneously. A week later, Brunswick's services were dispensed with as a result, Mr Mylrea told me, of a directive from the BBC Trust, as it was thought inappropriate for a public sector organisation to have such external support. Brunswick were tasked with what Mr Mylrea described as '*scenario planning*', and in the short time they were instructed had only managed to provide '*a sort of first think piece of some of the things we needed to think about*'.<sup>236</sup>

139. Lord Patten told me that he believed it had been a mistake to hire Brunswick and that to have the Director General of the BBC briefed by a Brunswick

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<sup>235</sup> 11/121, Lines 1-3  
<sup>236</sup> 11/312, Lines 20-21

consultant, a former editor of the Sun was, as he put it, “a seriously lousy story”.<sup>237</sup> Lord Patten agreed that the atmosphere surrounding Mr Entwistle at the end of October had been ‘chaotic’<sup>238</sup> and that both he and the Non-Executive members of the BBC’s Executive Board had tried to suggest to Mr Entwistle “that he needed to strengthen the team around him”.<sup>239</sup> He continued:

*“i think he was not given the support which he could have expected and could reasonably have expected from some of his senior colleagues, and some of the specific advice that he got – for example on some of his own appearances – was, i think, pretty bizarre.”*<sup>240</sup>

## **Weekend of 20/21 October**

### ***The ‘Corporate Statement’***

140. Panorama put a list of questions to Mr Entwistle, Ms Boaden, Mr Mitchell and Mr Rippon. Mr Mitchell, Mr Entwistle, Ms Boaden and Mr Rippon all declined to engage with these individually. Mr Mitchell told me that his decision not to engage was on the advice of the Press Office.<sup>241</sup> Mr Mylrea explained to me that this was not a Press Office decision, but instead a decision by BBC lawyers which he found frustrating.<sup>242</sup>

141. Mr Mylrea discussed with Mr Horrocks the possibility of BBC making a corporate response, and as a consequence a number of ‘corporate questions’ were posed for response.<sup>243</sup> In response to these, the BBC developed a ‘corporate statement’. Mr Mylrea suggested that the development of this statement was also ‘taken over’ by BBC lawyers.<sup>244</sup>

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<sup>237</sup> 11/333, Line 2  
<sup>238</sup> 11/334, Line15  
<sup>239</sup> 11/334, Lines16-19  
<sup>240</sup> 11/332, Lines20-24  
<sup>241</sup> 11/276, Lines 3-6  
<sup>242</sup> 11/298 – 11/299  
<sup>243</sup> 11/299  
<sup>244</sup> 11/299 – 11/300

142. The corporate statement contained a line which was not in the blog correction – that is:<sup>245</sup>

*'We should also make it clear we now accept that the Newsnight investigation did not start out as an investigation into the Surrey police's handling of the case against Mr Savile'.*

143. This led to an accusation by some media outlets that, by providing this correction as Panorama was going to air (and placing it on the website the following day), the BBC ensured that the media focus on the day of the Panorama broadcast was on the correction of Mr Rippon's blog, deflecting still more blame onto Mr Rippon's shoulders. When this was put to Mr Mylrea, he characterised it as a *'glorious accusation'*, but one which was incorrect. His explanation was that:

*'The fact was I was presented with two statements, in which I didn't have any input. The first was a statement which was a correction of the blog and the second was a response to Panorama and it was a direct response to direct questions from Panorama, and that was the approved line.'*

*The reason that Panorama line was not put out was because it is absolutely normal practice that, if a newspaper or programme or journalist asks a question, you give the answer to that individual, to that programme. You don't -- you don't make it available to others until after that journalist or that programme has -- has written their article or produced their programme'.<sup>246</sup>*

This explanation seems reasonable.

### **The Blog is Corrected**

144. Mr Jordan recalled that Mr Entwistle spent large parts of the weekend *'closeted with lawyers'* talking, he assumed, about changes to the blog.<sup>247</sup> Over the course of this weekend, Mr Entwistle received from BBC Legal a table listing inaccuracies they had identified in the blog.<sup>248</sup>

145. Mr Entwistle phoned Lord Patten on the morning of Sunday 21 October, although he says on reflection he wished he had phoned a day earlier as he

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<sup>245</sup> 12/336

<sup>246</sup> 11/325 – 11/326

<sup>247</sup> 11/209, Lines 1-15

<sup>248</sup> 11/125

was '*absolutely convinced*' by the Saturday morning that he was going to have to correct the blog.<sup>249</sup>

146. Mr Mitchell and Ms Boaden resisted the notion that their names should accompany the corrective statement. Mr Mitchell explained that he was reluctant to do so as the corrections were the result of a corporate process which he had not been privy to.<sup>250</sup>

147. Mr Rippon was contacted by Mr Jordan on the morning of Saturday 20 October and informed that the blog needed to be revised, a point he acknowledged.<sup>251</sup> Mr Rippon says Mr Jordan told him that this needed to occur before Mr Entwistle's appearance before the select committee the following Tuesday. Mr Rippon agreed it could be done for Monday morning and that his lawyer would assist him with the wording on Sunday afternoon.<sup>252</sup>

148. Mr Rippon says that Ms Boaden then called him on Sunday 21 October around lunchtime demanding his revisions in the next three hours, and that an hour later he received a call from Richard Thurston, the head of HR for BBC News, advising that it was likely that he would have to step aside as editor of Newsnight.

149. Mr Rippon says that after receiving this news, he called Mr Mylrea to ask what corrections were required, and that when Mr Mylrea wasn't sure, he suggested four, which Mr Mylrea said must be made by 5pm.<sup>253</sup> Mr Rippon says that he met this deadline, but instead of a response, he received a call from the Press Office asking for comment on a Daily Mail story that he had resigned.<sup>254</sup>

150. In the afternoon of 20 October, Mr Payne sent Mr Mylrea an eye-opening text message in the context of a discussion about media queries about whether Mr Entwistle would resign:

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<sup>249</sup> 11/126  
<sup>250</sup> 11/277 – 11/278  
<sup>251</sup> 11/451, Lines 14-24  
<sup>252</sup> 11/451 – 11/452  
<sup>253</sup> 11/453  
<sup>254</sup> 11/453 – 11/454

*'Thought of the hour. PR changes blog and accepts he was wrong and goes giving panorama a scalp. GE then goes into Select saying he backed his editor as you would expect. Turns out he was wrong sad but he did the right thing and we all move on???'*<sup>255</sup>

151. Two days later, after the blog correction had been made, another message was sent from Mr Payne to Mr Mylrea saying:

*'Think am going to need to brief hard today that PR blog was the basis for all our position on this. Only way to protect GE etc. Would be good to know if they had any corroborating views besides just that'.*<sup>256</sup>

152. Just ten minutes after this text message was sent, Mr Mylrea sent an email to Mr Mitchell, Mr Feeny and Adams forwarding the cleared lines on the blog correction and Mr Rippon's '*stepping aside*', but adding that Mr Mitchell and Mr Jones should tell Mr Rippon that he was '*happy to reassure him personally we will be doing everything possible to support him*'.<sup>257</sup>

153. Mr Mylrea told me that the text messages between him and Mr Payne were private communications for the purpose of scenario planning, which were not shared with others,<sup>258</sup> and Mr Entwistle distanced himself from these discussions, saying that that they were a '*conversation going on in the communications community whose job it is to think about things like that*', but that they did not reflect his thinking.<sup>259</sup>

154. By 22 October, the blog appeared to be regarded by some as a means of insulating the Director General from criticism. Ms Boaden, commenting on this, suggested:

*'...it was the only information we had. It was the only solid thing. And it was such a confusing time with ... the world's media battering at the door making connections that felt ... very, very challenging, you know: what did George know, what did he do? In a sense Peter's blog filled a vacuum'.*<sup>260</sup>

It does appear to me that, by this stage, Mr Rippon was becoming something of a 'fall guy'.

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<sup>255</sup> 12/331

<sup>256</sup> 12/333

<sup>257</sup> 12/334

<sup>258</sup> 11/318 – 11/324

<sup>259</sup> 11/124, Lines 21-24

<sup>260</sup> 11/044

155. The corrections which were eventually posted on the BBC website at 10.48am were that:

*'1. The blog says that Newsnight had no evidence that anyone from the Duncroft home could or should have known about the allegations. In fact some allegations were made (mostly in general terms) that some of the Duncroft staff knew or may have known about the abuse.*

*2. The blog says that Newsnight had no evidence against the BBC. No allegation was made to the programme that BBC staff were aware of Mr Savile's alleged activities, but there were some allegations of abusive conduct on BBC premises.*

*3. The blog says that all the women spoken to by the programme had contacted the police independently already and that Newsnight had no new evidence against any other person that would have helped the police. It appears that in some cases women had not spoken to the police and that the police were not aware of all the allegations'.*

156. Very shortly after the corrections were published, Mr Jones emailed Mr Horrocks expressing concern that the corrections did not go far enough. This was followed up by a second email just after 2pm in which he said (among other things):

*'The correction does not deal with the most glaring inaccuracy in the blog. The blog says the whole motivation of the investigation was that the key witness told us the police had investigated the claims but the case had been dropped on the grounds that he was too old. That is completely false.*

*Any correction would say that the key witness had not spoken to the police and therefore the whole story in the blog about why Newsnight set out on the investigation cannot be right'.<sup>261</sup>*

157. The former point was picked up in the Corporate statement, as explained above. However, the latter point remained uncorrected (save in general terms by the reference to the wording beginning '*some women had...*') on the basis of a view from the BBC's legal team that it was unclear, without more information (which could not be obtained because my Review had by then been commissioned) as to who the key witness was that Mr Rippon was referring to.

158. In passing, further points arise arising out of the BBC's Editorial Guidelines. As the Guidelines themselves provide:-

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<sup>261</sup> 12/337

*'Knowledge of the Guidelines is an essential professional skill, and everyone who makes the BBC's content is contractually required to familiarise themselves with them and work within them'.*

159. The particular guidelines of potential relevance here are:-

- Paragraph 3.2.4 which provides that, where errors become apparent:

*'We should normally acknowledge serious factual errors and correct them quickly, clearly and appropriately'.* Paragraph 3.4.26 of the Guidelines has a similar effect;

- In relation to online content, paragraph 3.4.22 provides that:-

*'At the time when BBC content is posted online, the department responsible for its creation should decide on a coherent strategy of its management over time'.* This clearly did not happen in this situation;

- Paragraph 3.4.24, which deals with the removal of online content requires that:

*'An appropriate mechanism, including a system of referrals, should be in place to remove or revoke BBC online content.. and published on a BBC site or syndicated elsewhere'.*

I have tried to find the guidance suggested by these words and it does not seem to exist – the online version of the Guidelines contains a link to a page which states that this is “coming soon” and further states:-

*'The Editorial Policy Guidance Note on Taking Down Online Material is in preparation. In the meantime, please read the Editorial Guidelines Section 3 Accuracy: Managing Online Content and Contact Editorial Policy for further advice'.*

### **The Correction Process**

160. The Chairman of the BBC Trust, Lord Patten, said that from relatively early in October, he and his fellow Trust members were receiving too little information about what was happening; *'What we were able to glean about what was happening came mostly from reading the newspapers, leaks to papers, and, in*



*particular, the stories that appeared in The Guardian'* <sup>262</sup> rather than from the BBC Executive.

161. He said his fellow Trust members were *'very angry'* <sup>263</sup> about the process of correcting the blog which he described as *'ham-fisted'* <sup>264</sup> and continued, *'it does seem to me that there are reasonable grounds for assuming that people knew the blog was dodgy a lot earlier and that we were left defending something that wasn't true'*.<sup>265</sup>

162. These were clearly very challenging times in the BBC: but it is in those times that leadership is required. It is clear that the BBC was thrown into disarray by the errors the blog and had no structure in place to deal with them. What is marked, however, is both the time it took for the errors to be addressed and the fact that, for some time at least, no one individual fully stepped up and took responsibility for the issue. I am, in this context, critical of Mr Entwistle, who became aware of issues with the blog at an early stage and who, while not inactive, appears to have taken a long time to take any real control of the issues. Likewise, I am surprised that Ms Boaden does not appear to have taken a more pro-active role. I acknowledge that she was not on the gold team set up by Mr Entwistle on 11 October, but it was clear that a significant part of the division she headed was in virtual meltdown, and I would have expected her to have taken a more active role in resolving things. In correspondence between the Review and Ms Boaden's lawyers, arguments were raised that it would be highly unfair to criticise her and to attribute any failings to her during this period, but I think that, given her position, she should have taken much greater responsibility. Mr Mitchell was – for a time – involved, but unfortunately his actions do not seem to have made a significant contribution to resolving the BBC's difficulties.

163. I think the decision fully to involve the legal department was taken too late and that valuable time was lost in the interim. I note that a "gold, silver, bronze"

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<sup>262</sup> 11/336, Lines 16-19

<sup>263</sup> 11/335, Line 20

<sup>264</sup> 11/335, Line 17

<sup>265</sup> 11/335, Line 24; 11/336, Lines 3

structure was set up to co-ordinate the response and that there was a “gold team”. However, it is not clear how effective that was.

In my view, while the issues faced were challenging, a particular cultural issue (in which I have commented elsewhere in the Report) contributed to this issue. I have been struck by what I view as a “silo mentality” at the BBC – the notion that everyone knows what his or her job is, but there is reluctance to step into someone else’s territory and, indeed, a person who does would be criticised. In my view, such an approach hinders leadership and the proper taking of control. On this, I can say no more, beyond recommending to the BBC that it looks at this issue and considers ways in which it might be addressed.